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SPEECH ON CONCILIATION WITH AMERICA

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THE R.T HON.BLE EDMUND BURKE

Drawn from the Life

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SPEECH ON CONCILIATION WITH AMERICA

BY

EDMUND BURKE

EDITED WITH AN INTRODUCTION AND NOTES BY CHARLES W. FRENCH, A.M., PRINCIPAL OF THE PARKER PRACTICE BRANCH OF THE CHICAGO NORMAL SCHOOL

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Merrill's English Texts

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CONTENTS

PAGE

INTRODUCTION 5

EDMUND BURKE 5

BURKE'S CONTEMPORARIES 9

BIBLIOGRAPHY 11

THE CAUSES OF THE AMERICAN REVOLUTION . 12

ANALYSIS OF SPEECH 14

TOPICAL STUDY 17

EDMUND BURKE'S SPEECH ON MOVING HIS RESOLUTIONS FOR CONCILIATION WITH THE COLONIES . . . 19

NOTES 115

SYLLABUS OF THE SPEECH 125

QUESTIONS AND TOPICS FOR STUDY 131

INTRODUCTION

EDMUND BURKE

Edmund Burke, one of England's greatest orators and statesmen, was a man of remarkable versatility and power. As an orator he ranks among the greatest of all time, and as a statesman few Englishmen have excelled him in clearness of vision, in magnanimity, or in political sagacity. As a profound and philosophical thinker he had few peers, and at the same time he was possessed of literary talents of no mean order. Indeed, he may easily be ranked as the leading prose-writer of the eighteenth century.

Although he excelled in many different fields of effort, his greatest victories were won by his matchless oratory and by his power as a thinker and writer. Although he discharged with honor the duties of every administrative position which he was called upon to fill, his greatest triumphs were won on the floor of Parliament, of which body he was the recognized leader for many years. It was his high distinction to appear many times as the champion of the oppressed and the fearless opponent of unjust and corrupt government. He loved freedom with all his heart, and, with a magnificent moral courage, more than once became an advocate of unpopular causes, submitting himself not only to adverse criticism, but also to the charge of a lack of loyalty and patriotism. Thus, true to his convictions, he appeared as America's strongest friend, at a time when the English policy was slowly but surely driving the colonists from protest to rebellion. With truly prophetic eye he saw clearly the inevitable result of the petty tyranny with which the king was vexing the hearts of the Americans, and he lived to see, with melancholy satisfaction, his predictions fulfilled. Later in his life he espoused

the cause of the cruelly wronged inhabitants of India, and his long and unwearying efforts in their behalf culminated in his magnificent oration impeaching Warren Hastings, in which his fiery indignation urged him to a height of oratorical and dramatic power which has rarely been equaled and perhaps never excelled. He was also a strong opponent of human slavery, and was one of the originators of the great movement which finally, under the advocacy of Wilberforce, culminated in the abolition of that institution throughout the British Empire.

Edmund Burke was born in Dublin either in 1728 or in 1729. His father was a prosperous attorney of good family and standing, who early determined to educate his son for his own profession. From 1743 to 1747 young Burke was a student in Trinity College, Dublin, where he made a good, but by no means extraordinary, record. He was awarded a scholarship in the classics, but did not carry off the highest honors in any one department. Much of his time was spent in miscellaneous reading, from which he gathered a vast fund of information, which was of incalculable value to him in his after-life. His natural tastes led him, also, to devote much time to the practice of oratory and to verse-making. He graduated in 1748 and took the degree of A. M. in 1751.

In 1750 he went to London and began the study of law at the Middle Temple, but he never took this work seriously and soon abandoned his legal aspirations. From 1750 to 1756 he seems to have spent the time in traveling through England, enjoying the society of literary men, in extensive reading, and in writing for various periodicals. His first literary production appeared in 1756, in the shape of an essay entitled *A Vindication of Natural Society*. This was soon followed by the *Essay on the Sublime and Beautiful*, which was a philosophical inquiry into the nature and characteristics of these æsthetic conceptions. This essay brought to him great popularity, and was for many years considered an exhaustive and authoritative treatment of these subjects, but the rapid progress of art-criticism has taken away its prestige, and it is now seldom read or quoted.

In 1757 he married Miss Mary Nugent, the beautiful and accomplished daughter of a celebrated physician, who proved to be a sympathetic and helpful companion to him throughout his life. The same year he wrote an *Account of European Settlements in America*. Two years later he became private secretary to Mr. William Hamilton, who was jocularly known as "Single Speech Hamilton," because his sole claim to distinction rested upon a single brilliant speech in Parliament. Burke remained in this position until 1765, when he received the higher appointment of private secretary to the Prime Minister, Lord Rockingham, who remained his firm friend throughout his life. In 1766 he entered Parliament, where he remained for nearly thirty years, and after a brilliant career, characterized by earnest and conscientious labor, he retired with the public thanks of the Commons for his numerous and distinguished services. At the special request of the king he was rewarded with pensions amounting to £3700. He died at his home in Beaconsfield, July 8, 1797.

Burke's literary works were many and varied in character, of which only the most important can be enumerated here. In 1769 he published his first great political pamphlet, entitled *Observations on a Pamphlet on the Present State of the Nation*. The next year he published another, *On the Cause of the Present Discontents*. For a number of years thereafter he devoted himself so exclusively to his parliamentary work that he had little time for literary diversions. More than one of his speeches delivered during this period have become classic and have been included in the list of the world's great orations. On February 13, 1788, he began his celebrated speech, opening the trial of Warren Hastings, which is considered almost as great a contribution to literature as to oratory. This speech lasted more than four days, and has been characterized as "a tempest of invective and oratory." This famous trial continued seven years, and was closed by Burke in another splendid oration which required nine days for its delivery. In 1790 appeared his *Reflections on the Revolution in France*, which was his greatest literary work

and which is read with hardly less interest to-day than at the time of its publication. The next year he wrote *Thoughts on French Affairs*, and in the closing year of his life *Thoughts on a Regicide Peace.*

The following comment on his life has been made by one of his biographers:

"Few men have been the subject of higher panegyric than Burke, and on the whole few have better deserved praise. He was noble-minded, pure in his life, and a purist in politics. Intellectually he was most richly endowed; with much imagination, rare powers of observation, and indefatigable industry. There was no subject which he could not master, and none which, having mastered, he could not expound with unparalleled richness of language. But with these virtues and powers were conjoined defects which, without bating their greatness, did much to neutralize their influence. He was, it may be said, too literary to be a philosopher, and too philosophic to be a politician. His career would seem to illustrate this position. His oratory astounded by its brilliancy rather than persuaded by its tone and argument; and, in the long run, the eloquence which failed to command the reason, ceased to captivate the ear. The man who at first evoked the enthusiasm of the House by the brilliancy and power of his eloquence did actually at last empty it by persistence in the monotonous splendor of his speeches. Passionate and in a great degree untractable, he was unsuited for party politics, and drifted from all his connections, breaking up slowly all party ties, and even the ties of friendship, until he reached at last a state of almost political isolation. At the same time it must not be forgotten how great an influence he, half philosopher, half politician, exercised on the counsels of the state. Many of his views on politics and political economy were anticipations of science, as many of his previsions of the course of events were prophecies."

Another says of him: "Burke possessed great industry, great powers of acquisition. He used to boast that he had none of that master-vice, sloth, in his composition. The most minute

provisions of a comprehensive act of legislation—the most wearisome drudgeries of parliamentary committees, the driest and most tedious investigations necessary for drawing up elaborate reports, to all this his patience and industry were fully equal. Some of the public documents he drew up are generally allowed to be perfect models of that style of composition."

Mr. McKnight, his leading biographer, describes his personal appearance as follows: "Tall and apparently endowed with much vigor of body, his presence was noble and his appearance prepossessing. In later years, the first peculiarity which caught the eye as Burke walked forward, as his custom was, to speak in the middle of the House, were his spectacles, which, from shortness of sight, seemed never absent from his face. His dress, though not slovenly, was by no means such as would have suited a leader of fashion. He had the air of a man who was full of thought and care, and to whom his outward appearance was not of the slightest consideration. But as a set-off to this disadvantage, there was in his whole deportment a sense of personal dignity and habitual self-respect. They who knew how amiable Burke was in his private life, and how warm and tender was the heart within, might expect to see these softer qualities depicted on his countenance. But they would have been disappointed. It was not usual at any time to see his face mantling with smiles; he decidedly looked like a great man, but not like a meek or gentle one. All his troubles were impressed on his working features, and gave them a somewhat severe expression, which deepened as he advanced in years, until they became to some observers unpleasantly hard. The marks about the jaw, the firmness of the lines about the mouth, the stern glance of the eye, and the furrows on the expansive forehead, were all the sad ravages left by the difficulties and sorrows of genius, and by the iron which had entered the soul."

BURKE'S CONTEMPORARIES

The rapid increase in material prosperity which characterized the eighteenth century in England witnessed a corresponding

advance in literature, in both the quality and the quantity of the books produced. Men's intellects were quickened and their horizons broadened by a wider dissemination of knowledge. This was made possible by the development of the newspaper, and by the improved facilities for communication between the different parts of England and with the Continent. The peace also, which lasted through the reigns of the earlier Georges, gave opportunity for the development of the literary spirit and more time for the gratification of literary tastes. For these and other reasons literary productions began to increase rapidly and to assume a new character which differed materially from that of previous productions and which was destined to lay the foundations of the magnificent literature of the nineteenth century.

The greatest writer and by far the most interesting and picturesque character of this period was Samuel Johnson, whose greatest, but not most enduring, work was the *Dictionary of the English Language*. He was the author of *Rasselas*, of the *Lives of the Poets*, and of the delightful essays which appeared periodically in the *Rambler* and *Tatler*. His biography written by Boswell has long been ranked as the greatest work of the kind ever produced.

Oliver Goldsmith was a writer of pure and graceful English, and is remembered now, chiefly, as the author of *The Vicar of Wakefield* and *The Deserted Village*.

Two men lived at this time whose names have become famous as the fathers of the modern novel: Samuel Richardson, who wrote *Pamela*, *Clarissa Harlowe*, and *Sir Charles Grandison;* and Henry Fielding, the author of *Joseph Andrews*, *Amelia*, and *Tom Jones*. These works were the masterpieces of this period, but other writers produced books which were scarcely less popular, among whom were Tobias Smollett, with his *Roderick Random;* Laurence Sterne, with his *Tristram Shandy* and *Sentimental Journey;* and Frances Burney, the well-known author of *Evelina* and *Cecilia*.

Among the historians were two names which are written high

in the list of English authors: David Hume, who wrote a *History of England*, which has been considered standard even to the present day; and Edward Gibbon, who wrote the celebrated *Decline and Fall of the Roman Empire*. During this period Adam Smith brought out his *Wealth of Nations*, which laid the foundations of the modern science of political economy.

Among Burke's most noted political contemporaries were William Pitt, Earl of Chatham, and Charles Fox.

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There were, at this time, two conflicting theories in reference to the political relationship which existed between the colonies and the mother country.

On the one hand, the colonies held that the territory which the Cabots discovered in America belonged to the king, rather than to the kingdom, of England. Englishmen who came to this country to found colonies were entitled to all the privileges enjoyed by those who remained at home: such as trial by jury, habeas corpus, and exemption from taxes which their representatives had not voted. The British Empire was made up of a number of separate dominions, each of which was entitled to elect its own legislature which should enact laws for its local government. Therefore Parliament could have no jurisdiction over the colonies, inasmuch as their own legislatures were the only legal law-making bodies. The king alone had the right to interfere in the government of the colonies, and he had granted them charters guaranteeing certain rights, which, now, even he had no right to withdraw.

On the other hand, the British theory held that Englishmen must always remain Englishmen, even though they should emigrate to foreign lands, and that the power of Parliament, to which they were subject in the old home, followed them to the new one. Thus Parliament could grant privileges and subsequently withdraw them at pleasure. It was also claimed that the Americans were actually represented in Parliament, since each member was supposed to represent the whole realm and not a single district. It was contended, in addition to this, that the colonies had repeatedly acknowledged the authority of Parliament by submitting to its legislation.

The various oppressive Acts of Parliament which led to the

revolt of the colonies are enumerated below, with their dates. If the student is not already familiar with them he should seek further information in any good United States History.

1761. Enforcement of revenue laws in Massachusetts.
Writs of Assistance.

1763. The King's proclamation excluding settlers from the Western territory lately acquired from France.
Determination in England to tax the colonies.
The Sugar or Molasses Act.

1765. The Stamp Act (March 22).

1766. Repeal of the Stamp Act and passage of the Declaratory Act.

1767. Passage of the Townshend measures suspending the functions of the Legislature of New York; establishing commissioners of customs to superintend laws relating to trade; and imposing duties on glass, red and white lead, painters' colors, paper, and tea.

1768. The quartering of troops in Boston.

1770. Repeal of the Townshend duties except on tea.

1774. The Boston Port Bill.
The Massachusetts Act and the Quebec Act.

THE SPEECH ON CONCILIATION

The speech on Conciliation with America was delivered March 22, 1775, and though it made a profound impression on the group of men who listened to it, it has been even more fully appreciated by succeeding generations than by the people to whom it was addressed. It was a masterly and eloquent plea in behalf of a moderate and judicious policy towards the American colonies, but such was the spirit of the times and so determined and unreasonable was the Administration, that neither logic nor eloquence, even though it were that of the greatest orator of the age, could turn Parliament aside from its unreasoning course and thus avert the final catastrophe. Although the majority refused to be influenced by Burke, the calm, dispassionate judgment of the age recognized the convincing power of his logic.

Lord Chatham said: "It [the speech] is very seasonable, very reasonable, and very eloquent."

Mr. Fox, twenty years later, said: "Let gentlemen read this speech by day, and meditate on it by night: let them peruse it again and again, study it, imprint it on their hearts,—they would there learn that representation was the sovereign remedy for every evil."

The following analysis of the speech was made by Mr. Burke himself, and either embodies the notes from which he spoke or was written immediately after its delivery to furnish an outline for publication. It will be instructive for the student to observe how the oration developed from this bare outline, the skeleton which the orator "clothed with his living thought."

Analysis of the Speech*

Proem: Apologizing for taking up this measure, stating his

* The analysis is quoted from Prior's *Life and Character of Edmund Burke*, p. 176.

own description and situation with great humility, but when he stated in general that [what?] he should propose was not his, but the reasonings and opinions of the Legislature already expressed by our ancestors in old times, were such and such as time had matured and experience confirmed, he had no apology to make, except for any disadvantage these sentiments might receive from the manner of delivering them, etc., etc.

He then mentioned the unhappy state of our quarrels with our colonies, which could end only in the destruction of our constitution and the ruin of the British Empire. That peace only could insure the one and restore the stability of the other; not an insidious, delusive peace that has slavery in its train, but peace founded on the establishment of the rights of mankind and on civil liberty as they are the basis of our empire.

Not peace by war

nor by negotiation.

Not a peace to be bought by taxes and bid for at an auction.

But by conciliation and concession of the superior—conciliation having gone forth and entered into the heart of every Briton. The minister has assumed the form of that minister of light and breathes the spirit of conciliation. Would to God it was the real spirit of it in good truth. He hath been driven to the necessity of making concession, but hath been forced by some secret force or fatality to load and clog his measures with principles and conditions such as must render it impossible for the Americans to accept it, and which must therefore in the end prove a plan to render them still more obnoxious to Parliament and Government here.

Leaving behind me and erasing from my mind every idea of ministers and such persons, I will look only to the spirit and doctrines of your laws, and will seek no peace but where they teach us to look for it, and to follow it.

Let us not seek peace by force but by conciliation.

If conciliation be used ineffectually, there will still be room enough left for force; but if force be first tried, and that shall prove to be used ineffectually, there will be no room for conciliation.

The magnitude of the object should teach [us] to look conciliation—and to know that force will not do.

View—

1. The wealth of the colonies.
2. The number of the people.
3. The principles which animate their spirit.
   Principles of liberty.
   Principles of religion.

View their character and temper.

Their learning } as derived from the nature of their popul
and their habits } government.

Their turn for politics and their knowledge of such as taug from their first entrance into life.

Consider next their vast distance—

Consider how even despotic governments are obliged to u management and address in the government of their dista provinces.

If the acts of the opposition in the colonies cannot be prosecut criminally—

There is no way to settle it by compromise.

On this subject of compromise I say nothing as to sov eignty.

I omit the question as to the right of taxation, and will on speak to practice and fact as found in the precedents of your o conduct.

The practice of Parliament
as to Ireland,
Wales,
Chester,
Durham.

Following these precedents, I would propose an Ameri representation—but the sea and the distance are in my w As I cannot give the best, I will offer the next best—and t is—that which is already established—

Their own Assemblies—

They are competent to all the purposes of taxation.

To lay the ground for that solid basis whereon I would again re-establish peace, and replace the empire and its government. Offers six resolutions of facts:

* * * * *

Coroliaries—

1. That it may be proper to repeal the Tea Act.
2. The Boston Port Bill.
3. The Massachusetts Government Bill.
4. The Military Bill.

Topical Study

1. **The Historical Setting.** This topic should include not only the course of events which led up to the Revolutionary War, but also the character of the government and the temper of the people on both sides of the Atlantic. The material development of the colonies is painted with a master-hand in the speech.

2. **The Purpose of the Orator.** What was his dominant motive in delivering this speech? What did he hope to accomplish by it? Upon what did he depend chiefly to carry his points—logical reasoning, persuasion, irony, invective, or threats?

3. **Vocabulary.** Is it varied and extensive? Are his words mainly of Saxon or classic origin? Is his diction exact or careless? Someone has said that ninety-nine people use *a* word to express their meaning, where one man uses *the* word.

4. **Sentences.** Are they carefully constructed, or do they show evidence of carelessness? Are they characterized by clearness, strength, and unity? Do you observe the use of loose, periodic, or balanced sentences?

5. **Figures of Speech.** Do you discover any figures of speech? If so, what are they and are they used effectively?

6. **Qualities of Style.** After a careful study of the speech, do you observe that his style is characterized by such qualities as simplicity, clearness, precision, strength, pathos, irony, humor, etc.? Cite illustrations to confirm your views.

7. Structure of the Speech. In studying the structure it will be found helpful to have a paragraph summary. This may be made by condensing the intent of each paragraph into a single sentence, and arranging these sentences in tabular form after the model of the syllabus which is given on pages 125–130. This summary may be studied with reference to such questions as the following: To what extent did the writer observe the principle of unity in paragraph structure? Are the paragraphs in general closely connected, or are the transitions abrupt? Can the oration be divided into Introduction, General Argument, and Conclusion? In the Introduction does the speaker do more than state his object? Does he give an outline of the thought, or does he make a special appeal to his audience? What are the main points of his Argument? Are these points logically connected? Are they effective? Are any new points brought out in the Conclusion?

EDMUND BURKE'S SPEECH ON MOVING HIS RESOLUTIONS FOR

CONCILIATION WITH THE COLONIES

March 22, 1775

I HOPE, Sir,[1] that, notwithstanding the austerity[2] of the Chair, your good-nature will incline you to some degree of indulgence towards human frailty. You will not think it unnatural, that those who have an object depending, which strongly engages their hopes and fears, should be somewhat inclined to superstition. As I came into the House full of anxiety about the event of my motion, I found, to my infinite surprise, that the grand penal bill,[3] by which we had passed sentence on the trade and sustenance of America, is to be returned to us from the other House. I do confess, I could not help looking on this event as a fortunate omen. I look upon it as a sort of providential favor; by which we are put once more in possession of our deliberative capacity, upon a business so very questionable in its nature, so very uncertain in its issue. By the return of this bill, which seemed to have taken its flight forever, we are at this very instant nearly as free to choose a plan for our American government as we were on the first day of the session. If, Sir, we incline to the side of conciliation, we are not at

all embarrassed (unless we please to make ourselves so) by any incongruous mixture of coercion and restraint.[1] We are therefore called upon, as it were by a superior warning voice, again to attend to America; to attend to the whole of it together; and to review the subject with an unusual degree of care and calmness.

Surely it is an awful[2] subject; or there is none so on this side of the grave. When I first had the honor of a seat in this House, the affairs of that continent pressed themselves upon us, as the most important and most delicate object of parliamentary attention. My little share in this great deliberation oppressed me. I found myself a partaker in a very high trust; and having no sort of reason to rely on the strength of my natural abilities for the proper execution of that trust, I was obliged to take more than common pains to instruct myself in everything which relates to our colonies. I was not less under the necessity of forming some fixed ideas concerning the general policy of the British empire. Something of this sort seemed to be indispensable; in order, amidst so vast a fluctuation of passions and opinions, to concenter my thoughts; to ballast my conduct;[3] to preserve me from being blown about by every wind of fashionable[4] doctrine. I really did not think it safe or manly, to have fresh principles to seek upon every fresh mail which should arrive from America.

At that period I had the fortune to find myself in perfect concurrence with a large majority in this House. Bowing under that high authority, and penetrated

with the sharpness and strength of that early impression, I have continued ever since, without the least deviation, in my original sentiments. Whether this be owing to an obstinate perseverance in error, or to a religious[1] adherence to what appears to me truth and reason, it is in your equity[2] to judge.

Sir, Parliament having an enlarged view of objects, made, during this interval, more frequent changes in their sentiments and their conduct, than could be justified in a particular person upon the contracted scale of private information. But though I do not hazard anything approaching to censure on the motives of former parliaments to all those alterations, one fact is undoubted,—that under them the state of America has been kept in continued agitation. Everything administered as remedy to the public complaint,[3] if it did not produce, was at least followed by, an heightening of the distemper; until, by a variety of experiments, that important country has been brought into her present situation;[4]—a situation which I will not miscall, which I dare not name; which I scarcely know how to comprehend in the terms of any description.

In this posture, Sir, things stood at the beginning of the session. About that time, a worthy member[5] of great parliamentary experience, who, in the year 1766, filled the chair of the American committee with much ability, took me aside; and, lamenting the present aspect of our politics, told me, things were come to such a pass, that our former methods of proceeding in the House would be no longer tolerated. That the public

tribunal (never too indulgent to a long and unsuccessful opposition) would now scrutinize our conduct with unusual severity. That the very vicissitudes and shiftings of ministerial measures, instead of convicting their authors of inconstancy and want of system, would be taken as an occasion of charging us with a predetermined discontent, which nothing could satisfy; whilst we accused every measure of vigor as cruel, and every proposal of lenity as weak and irresolute. The public, he said, would not have patience to see us play the game out with our adversaries: we must produce our hand. It would be expected that those who for many years had been active in such affairs should show that they had formed some clear and decided idea of the principles of colony government; and were capable of drawing out something like a platform of the ground which might be laid for future and permanent tranquillity.

I felt the truth of what my honorable friend represented; but I felt my situation too. His application might have been made with far greater propriety to many other gentlemen. No man was indeed ever better disposed, or worse qualified, for such an undertaking than myself. Though I gave so far in to his opinion, that I immediately threw my thoughts into a sort of parliamentary form, I was by no means equally ready to produce them. It generally argues some degree of natural impotence of mind, or some want of knowledge of the world, to hazard plans of government except from a seat of authority. Propositions are made, not only ineffectually, but somewhat disrepu-

tably, when the minds of men are not properly disposed for their reception; and, for my part, I am not ambitious of ridicule; not absolutely a candidate for disgrace.

Besides, Sir, to speak the plain truth, I have in general no very exalted opinion of the virtue of paper government; nor of any politics in which the plan is to be wholly separated from the execution. But when I saw that anger and violence prevailed every day more and more; and that things were hastening towards an incurable alienation of our colonies; I confess my caution gave way. I felt this, as one of those few moments in which decorum yields to a higher duty. Public calamity is a mighty leveler; and there are occasions when any, even the slightest, chance of doing good must be laid hold on, even by the most inconsiderable person.

To restore order and repose to an empire so great and so distracted as ours, is, merely in the attempt, an undertaking that would ennoble the flights of the highest genius, and obtain pardon for the efforts of the meanest understanding. Struggling a good while with these thoughts, by degrees I felt myself more firm. I derived, at length, some confidence from what in other circumstances usually produces timidity. I grew less anxious, even from the idea of my own insignificance. For, judging of what you are by what you ought to be, I persuaded myself that you would not reject a reasonable proposition because it had nothing but its reason to recommend it. On the other hand, being totally destitute of all shadow of influence, natural or adven-

titious, I was very sure, that if my proposition were futile or dangerous; if it were weakly conceived, or improperly timed, there was nothing exterior to it, of power to awe, dazzle, or delude you. You will see it just as it is: and you will treat it just as it deserves.

The proposition is peace. Not peace through the medium of war; not peace to be hunted through the labyrinth of intricate and endless negotiations; not peace to arise out of universal discord, fomented from principle, in all parts of the empire; not peace to depend on the juridical[1] determination of perplexing questions, or the precise marking the shadowy boundaries of a complex government.[2] It is simple peace; sought in its natural course, and in its ordinary haunts. It is peace sought in the spirit of peace; and laid in principles purely pacific. I propose, by removing the ground of the difference, and by restoring the *former unsuspecting confidence of the colonies in the mother country*, to give permanent satisfaction to your people; and (far from a scheme of ruling by discord) to reconcile them to each other in the same act, and by the bond of the very same interest which reconciles them to British government.

My idea is nothing more. Refined[3] policy ever has been the parent of confusion; and ever will be so, as long as the world endures. Plain good intention, which is as easily discovered at the first view, as fraud is surely detected at last, is, let me say, of no mean force in the government of mankind. Genuine simplicity of heart is an healing and cementing principle.

My plan, therefore, being formed upon the most simple grounds imaginable, may disappoint some people when they hear it. It has nothing to recommend it to the pruriency of curious ears. There is nothing at all new and captivating in it. It has nothing of the splendor of the project[1] which has been lately laid upon your table by the noble lord[2] in the blue riband.[3] It does not propose to fill your lobby with squabbling colony agents,[4] who will require the interposition of your mace, at every instant, to keep the peace amongst them. It does not institute a magnificent auction of finance, where captivated provinces come to general ransom by bidding against each other, until you knock down the hammer, and determine a proportion of payments beyond all the powers of algebra to equalize and settle.

The plan which I shall presume to suggest, derives, however, one great advantage from the proposition and registry of that noble lord's project. The idea of conciliation is admissible. First, the House, in accepting the resolution moved by the noble lord, has admitted—notwithstanding the menacing front of our address,[5] notwithstanding our heavy bill of pains and penalties—that we do not think ourselves precluded from all ideas of free grace and bounty.

The House has gone further; it has declared conciliation admissible, *previous* to any submission on the part of America. It has even shot a good deal beyond that mark, and has admitted that the complaints of our former mode of exerting the right of taxation were not

wholly unfounded.[1] That right thus exerted is allowed to have had something reprehensible in it; something unwise, or something grievous; since, in the midst of our heat and resentment, we, of ourselves, have proposed a capital alteration; and, in order to get rid of what seemed so very exceptionable, have instituted a mode that is altogether new; one that is, indeed, wholly alien from all the ancient methods and forms of parliament.

The *principle* of this proceeding is large enough for my purpose. The means proposed by the noble lord for carrying his ideas into execution, I think, indeed, are very indifferently suited to the end; and this I shall endeavor to show you[2] before I sit down. But for the present, I take my ground on the admitted principle. I mean to give peace. Peace implies reconciliation; and, where there has been a material dispute, reconciliation does in a manner always imply concession on the one part or on the other. In this state of things I make no difficulty in affirming that the proposal ought to originate from us. Great and acknowledged force is not impaired, either in effect or in opinion, by an unwillingness to exert itself. The superior power may offer peace with honor and with safety. Such an offer from such a power will be attributed to magnanimity. But the concessions of the weak are the concessions of fear. When such a one is disarmed, he is wholly at the mercy of his superior; and he loses for ever that time and those chances, which, as they happen to all men, are the strength and resources of all inferior power.

The capital leading questions on which you must this day decide are these two: First, whether you ought to concede; and secondly, what your concession ought to be. On the first of these questions we have gained (as I have just taken the liberty of observing to you) some ground. But I am sensible that a good deal more is still to be done. Indeed, Sir, to enable us to determine both on the one and the other of these great questions with a firm and precise judgment, I think it may be necessary to consider distinctly the true nature and the peculiar circumstances of the object which we have before us. Because after all our struggle, whether we will or not, we must govern America according to that nature, and to those circumstances; and not according to our own imaginations; nor according to abstract ideas of right; by no means according to mere general theories of government, the resort to which appears to me, in our present situation, no better than arrant trifling. I shall therefore endeavor, with your leave, to lay before you some of the most material of these circumstances in as full and as clear a manner as I am able to state them.

The first thing that we have to consider with regard to the nature of the object is—the number of people in the colonies. I have taken for some years a good deal of pains on that point. I can by no calculation justify myself in placing the number below two millions of inhabitants of our own European blood and color; besides at least 500,000 others who form no inconsiderable part of the strength and opulence of the

whole. This, Sir, is, I believe, about the true number. There is no occasion to exaggerate, where plain truth is of so much weight and importance. But whether I put the present numbers too high or too low is a matter of little moment. Such is the strength with which population shoots in that part of the world, that, state the numbers as high as we will, whilst the dispute continues, the exaggeration ends. Whilst we are discussing any given magnitude, they are grown to it. Whilst we spend our time in deliberating on the mode of governing two millions, we shall find we have millions more to manage. Your children do not grow faster from infancy to manhood, than they spread from families to communities, and from villages to nations.

I put this consideration of the present and the growing numbers in the front of our deliberation; because, Sir, this consideration will make it evident to a blunter discernment than yours, that no partial, narrow, contracted, pinched, occasional system will be at all suitable to such an object. It will show you, that it is not to be considered as one of those *minima* which are out of the eye and consideration of the law; not a paltry excrescence of the state; not a mean dependent, who may be neglected with little damage, and provoked with little danger. It will prove that some degree of care and caution is required in the handling such an object; it will show that you ought not, in reason, to trifle with so large a mass of the interests and feelings of the human race. You could at no time do

so without guilt; and be assured you will not be able to do it long with impunity.

But the population of this country, the great and growing population, though a very important consideration, will lose much of its weight if not combined with other circumstances. The commerce of your colonies is out of all proportion beyond the numbers of the people. This ground of their commerce indeed has been trod some days ago, and with great ability, by a distinguished person,[1] at your bar. This gentleman, after thirty-five years—it is so long since he first appeared at the same place to plead for the commerce of Great Britain—has come again before you to plead the same cause, without any other effect of time, than, that to the fire of imagination and extent of erudition, which even then marked him as one of the first literary characters of his age, he has added a consummate knowledge in the commercial interest of his country, formed by a long course of enlightened and discriminating experience.

Sir, I should be inexcusable in coming after such a person with any detail, if a great part of the members who now fill the House had not the misfortune to be absent when he appeared at your bar. Besides, Sir, I propose to take the matter at periods of time somewhat different from his. There is, if I mistake not, a point of view, from whence if you will look at this subject, it is impossible that it should not make an impression upon you.

I have in my hand two accounts: one a comparative

state of the export trade of England to its colonies, as it stood in the year 1704, and as it stood in the year 1772; the other a state of the export trade of this country to its colonies alone, as it stood in 1772, compared with the whole trade of England to all parts of the world (the colonies included) in the year 1704. They are from good vouchers: the latter period from the accounts on your table, the earlier from an original manuscript of Davenant,[1] who first established the inspector-general's office, which has been ever since his time so abundant a source of parliamentary information.

The export trade to the colonies consists of three great branches. The African,[2] which, terminating almost wholly in the colonies, must be put to the account of their commerce; the West Indian; and the North American. All these are so interwoven that the attempt to separate them would tear to pieces the contexture of the whole; and if not entirely destroy, would very much depreciate the value of all the parts. I therefore consider these three denominations to be what in effect they are, one trade.

The trade to the colonies, taken on the export side, at the beginning of this century, that is, in the year 1704, stood thus:

Exports to North America, and the West Indies, ...	£483,265
To Africa, ...	86,665
	£569,930

In the year 1772, which I take as a middle year between the highest and lowest of those lately laid on your table, the account was as follows:

To North America, and the West Indies,	£4,791,734
To Africa, ...	866,398
To which if you add the export trade from Scotland, which had in 1704 no existence,	364,000
	£6,022,132

From five hundred and odd thousand, it has grown to six millions. It has increased no less than twelvefold. This is the state of the colony trade, as compared with itself at these two periods, within this century;—and this is matter for meditation. But this is not all. Examine my second account. See how the export trade to the colonies alone in 1772 stood in the other point of view, that is, as compared to the whole trade of England in 1704.

The whole export trade of England, including that to the colonies, in 1704, . . .	£6,509,000
Export to the colonies alone, in 1772, . .	6,024,000
Difference,	£485,000

The trade with America alone is now within less than £500,000 of being equal to what this great commercial nation, England, carried on at the beginning of this century with the whole world! If I had taken the largest year of those on your table, it would rather have exceeded. But, it will be said, is not this American

trade an unnatural protuberance, that has drawn the juices from the rest of the body? The reverse. It is the very food that has nourished every other part into its present magnitude. Our general trade has been greatly augmented, and augmented more or less in almost every part to which it ever extended; but with this material difference, that of the six millions which in the beginning of the century constituted the whole mass of our export commerce, the colony trade was but one-twelfth part; it is now (as a part of sixteen millions) considerably more than a third of the whole. This is the relative proportion of the importance of the colonies at these two periods: and all reasoning concerning our mode of treating them must have this proportion as its basis, or it is a reasoning weak, rotten, and sophistical.

Mr. Speaker, I cannot prevail on myself to hurry over this great consideration. It is good for us to be here. We stand where we have an immense view of what is, and what is past. Clouds, indeed, and darkness rest upon the future. Let us, however, before we descend from this noble eminence, reflect that this growth of our national prosperity has happened within the short period of the life of man. It has happened within sixty-eight years. There are those alive whose memory might touch the two extremities. For instance, my Lord Bathurst[1] might remember all the stages of the progress. He was in 1704 of an age at least to be made to comprehend such things. He was old enough *acta parentum jam legere, et quæ sit poterit*

cognoscere virtus[1]—Suppose, Sir, that the angel of this auspicious youth, foreseeing the many virtues, which made him one of the most amiable, as he is one of the most fortunate, men of his age, had opened to him in vision, that when, in the fourth generation, the third prince of the House of Brunswick had sat twelve years on the throne of that nation, which (by the happy issue of moderate and healing councils) was to be made Great Britain,[2] he should see his son, Lord Chancellor of England,[3] turn back the current of hereditary dignity to its fountain, and raise him to a higher rank of peerage, whilst he enriched the family with a new one—If amidst these bright and happy scenes of domestic honor and prosperity, that angel should have drawn up the curtain, and unfolded the rising glories of his country, and whilst he was gazing with admiration on the then commercial grandeur of England, the genius[4] should point out to him a little speck, scarce visible in the mass of the national interest, a small seminal principle, rather than a formed body, and should tell him: "Young man, there is America—which at this day serves for little more than to amuse you with stories of savage men, and uncouth manners; yet shall, before you taste of death, show itself equal to the whole of that commerce which now attracts the envy of the world. Whatever England has been growing to by a progressive increase of improvement, brought in by varieties of people, by succession of civilizing conquests and civilizing settlements in a series of seventeen hundred years, you shall see as much added to

her by America in the course of a single life!" If this state of his country had been foretold to him, would it not require all the sanguine credulity of youth, and all the fervid glow of enthusiasm, to make him believe it? Fortunate man, he has lived to see it! Fortunate indeed, if he lives to see nothing that shall vary the prospect, and cloud the setting of his day!

Excuse me, Sir, if turning from such thoughts I resume this comparative view once more. You have seen it on a large scale; look at it on a small one. I will point out to your attention a particular instance of it in the single province of Pennsylvania. In the year 1704, that province called for £11,459 in value of your commodities, native and foreign. This was the whole. What did it demand in 1772? Why nearly fifty times as much; for in that year the export to Pennsylvania was £507,909, nearly equal to the export to all the colonies together in the first period.

I choose, Sir, to enter into these minute and particular details; because generalities, which in all other cases are apt to heighten and raise the subject, have here a tendency to sink it. When we speak of the commerce with our colonies, fiction lags after truth; invention is unfruitful, and imagination cold and barren.

So far, Sir, as to the importance of the object in view of its commerce, as concerned in the exports from England. If I were to detail the imports, I could show how many enjoyments they procure, which deceive[1] the burthen of life; how many materials which

invigorate the springs of national industry, and extend and animate every part of our foreign and domestic commerce. This would be a curious subject indeed—but I must prescribe bounds to myself in a matter so vast and various.

I pass therefore to the colonies in another point of view, their agriculture. This they have prosecuted with such a spirit, that, besides feeding plentifully their own growing multitude, their annual export of grain, comprehending rice, has some years ago exceeded a million in value. Of their last harvest, I am persuaded they will export much more. At the beginning of the century some of these colonies imported corn from the mother country. For some time past, the Old World has been fed from the New. The scarcity which you have felt would have been a desolating famine, if this child of your old age, with a true filial piety, with a Roman charity, had not put the full breast of its youthful exuberance to the mouth of its exhausted parent.

As to the wealth which the colonies have drawn from the sea by their fisheries, you had all that matter fully opened at your bar. You surely thought these acquisitions of value, for they seemed even to excite your envy; and yet the spirit by which that enterprising employment has been exercised, ought rather, in my opinion, to have raised your esteem and admiration. And pray, Sir, what in the world is equal to it? Pass by the other parts, and look at the manner in which the people of New England have of late carried on the

whale fishery. Whilst we follow them among the tumbling mountains of ice, and behold them penetrating into the deepest frozen recesses of Hudson's Bay and Davis's Straits, whilst we are looking for them beneath the arctic circle, we hear that they have pierced into the opposite region of polar cold, that they are at the antipodes, and engaged under the frozen serpent of the south.[1] Falkland Island,[2] which seemed too remote and romantic an object for the grasp of national ambition, is but a stage and resting-place in the progress of their victorious industry. Nor is the equinoctial heat more discouraging to them than the accumulated winter of both the poles. We know that whilst some of them draw the line and strike the harpoon on the coast of Africa, others run the longitude, and pursue their gigantic game along the coast of Brazil. No sea but what is vexed by their fisheries. No climate that is not witness to their toils. Neither the perseverance of Holland, nor the activity of France, nor the dexterous and firm sagacity of English enterprise, ever carried this most perilous mode of hard industry to the extent to which it has been pushed by this recent people; a people who are still, as it were, but in the gristle, and not yet hardened into the bone of manhood. When I contemplate these things; when I know that the colonies in general owe little or nothing to any care of ours, and that they are not squeezed into this happy form by the constraints of watchful and suspicious government, but that, through a wise and salutary neglect, a generous nature

has been suffered to take her own way to perfection; when I reflect upon these effects, when I see how profitable they have been to us, I feel all the pride of power sink, and all presumption in the wisdom of human contrivances melt and die away within me. My rigor relents. I pardon something to the spirit of liberty.

I am sensible, Sir, that all which I have asserted in my detail is admitted in the gross; but that quite a different conclusion is drawn from it. America, gentlemen say, is a noble object. It is an object well worth fighting for. Certainly it is, if fighting a people be the best way of gaining them. Gentlemen in this respect will be led to their choice of means by their complexions and their habits. Those who understand the military art, will of course have some predilection for it. Those who wield the thunder of the state, may have more confidence in the efficacy of arms. But I confess, possibly for want of this knowledge, my opinion is much more in favor of prudent management, than of force; considering force not as an odious, but a feeble instrument, for preserving a people so numerous, so active, so growing, so spirited as this, in a profitable and subordinate connection with us.

First, Sir, permit me to observe that the use of force alone is but *temporary*. It may subdue for a moment; but it does not remove the necessity of subduing again: and a nation is not governed which is perpetually to be conquered.

My next objection is its *uncertainty*. Terror is not always the effect of force; and an armament is not a

victory. If you do not succeed, you are without resource; for, conciliation failing, force remains; but, force failing, no further hope of reconciliation is left. Power and authority are sometimes bought by kindness; but they can never be begged as alms by an impoverished and defeated violence.

A further objection to force is, that you *impair the object* by your very endeavors to preserve it. The thing you fought for is not the thing which you recover; but depreciated, sunk, wasted, and consumed in the contest. Nothing less will content me, than *whole America*. I do not choose to consume its strengh along with our own; because in all parts it is the British strength that I consume. I do not choose to be caught by a foreign enemy at the end of this exhausting conflict; and still less in the midst of it. I may escape; but I can make no insurance against such an event. Let me add, that I do not choose wholly to break the American spirit; because it is the spirit that has made the country.

Lastly, we have no sort of *experience* in favor of force as an instrument in the rule of our colonies. Their growth and their utility has been owing to methods altogether different. Our ancient indulgence has been said to be pursued to a fault. It may be so. But we know if feeling is evidence, that our fault was more tolerable than our attempt to mend it; and our sin far more salutary than our penitence.

These, Sir, are my reasons for not entertaining that high opinion of untried force, by which many gentle-

men, for whose sentiments in other particulars I have great respect, seem to be so greatly captivated. But there is still behind a third consideration concerning this object, which serves to determine my opinion on the sort of policy which ought to be pursued in the management of America, even more than its population and its commerce, I mean its *temper and character*.

In this character of the Americans, a love of freedom is the predominating feature which marks and distinguishes the whole: and as an ardent is always a jealous affection, your colonies become suspicious, restive, and untractable, whenever they see the least attempt to wrest from them by force, or shuffle from them by chicane, what they think the only advantage worth living for. This fierce spirit of liberty is stronger in the English colonies probably than in any other people of the earth; and this from a great variety of powerful causes; which, to understand the true temper of their minds, and the direction which this spirit takes, it will not be amiss to lay open somewhat more largely.

First, the people of the colonies are descendants of Englishmen. England, Sir, is a nation, which still I hope respects, and formerly adored, her freedom. The colonists emigrated from you when this part of your character was most predominant; and they took this bias and direction the moment they parted from your hands. They are therefore not only devoted to liberty, but to liberty according to English ideas, and on English principles. Abstract liberty, like other mere abstractions, is not to be found. Liberty inheres in

some sensible[1] object; and every nation has formed to itself some favorite point which by way of eminence becomes the criterion of their happiness. It happened, you know, Sir, that the great contests for freedom in this country were from the earliest times chiefly upon the question of taxing. Most of the contests in the ancient commonwealths[2] turned primarily on the right of election of magistrates; or on the balance among the several orders of the state. The question of money was not with them so immediate. But in England it was otherwise. On this point of taxes the ablest pens, and most eloquent tongues, have been exercised; the greatest spirits[3] have acted and suffered. In order to give the fullest satisfaction concerning the importance of this point, it was not only necessary for those who in argument defended the excellence of the English constitution, to insist on this privilege of granting money as a dry point of fact, and to prove, that the right had been acknowledged in ancient parchments, and blind usages, to reside in a certain body called a House of Commons. They went much farther; they attempted to prove, and they succeeded, that in theory it ought to be so, from the particular nature of a House of Commons, as an immediate representative of the people; whether the old records had delivered this oracle or not. They took infinite pains to inculcate, as a fundamental principle, that in all monarchies the people must in effect themselves, mediately or immediately, possess the power of granting their own money, or no shadow of liberty

could subsist. The colonies draw from you, as with their life-blood, these ideas and principles. Their love of liberty, as with you, fixed and attached on this specific point of taxing. Liberty might be safe, or might be endangered, in twenty other particulars, without their being much pleased or alarmed. Here they felt its pulse; and as they found that beat, they thought themselves sick or sound. I do not say whether they were right or wrong in applying your general arguments to their own case. It is not easy indeed to make a monopoly of theorems and corollaries. The fact is, that they did thus apply those general arguments; and your mode of governing them, whether through lenity or indolence, through wisdom or mistake, confirmed them in the imagination that they, as well as you, had an interest in these common principles.

They were further confirmed in this pleasing error by the form of their provincial legislative assemblies. Their governments are popular in a high degree;[1] some are merely popular; in all, the popular representative is the most weighty; and this share of the people in their ordinary government never fails to inspire them with lofty sentiments, and with a strong aversion from whatever tends to deprive them of their chief importance.

If anything were wanting to this necessary operation of the form of government, religion would have given it a complete effect. Religion, always a principle of energy, in this new people is no way worn out or

impaired; and their mode of professing it is also one main cause of this free spirit. The people are Protestants; and of that kind which is the most adverse to all implicit submission of mind and opinion. This is a persuasion not only favorable to liberty, but built upon it. I do not think, Sir, that the reason of this averseness in the dissenting churches, from all that looks like absolute government, is so much to be sought in their religious tenets, as in their history. Everyone knows that the Roman Catholic religion is at least coeval with most of the governments where it prevails; that it has generally gone hand in hand with them, and received great favor and every kind of support from authority. The Church of England[1] too was formed from her cradle under the nursing care of regular government. But the dissenting interests[2] have sprung up in direct opposition to all the ordinary powers of the world; and could justify that opposition only on a strong claim to natural liberty. Their very existence depended on the powerful and unremitted assertion of that claim. All Protestantism, even the most cold and passive, is a sort of dissent. But the religion most prevalent in our northern colonies is a refinement of the principle of resistance; it is the dissidence of dissent, and the Protestantism of the Protestant religion. This religion, under a variety of denominations agreeing in nothing but in the communion of the spirit of liberty, is predominant in most of the northern provinces; where the Church of England, notwithstanding its legal rights, is in

reality no more than a sort of private sect, not composing most probably the tenth of the people. The colonists left England when this spirit was high, and in the emigrants was the highest of all; and even that stream of foreigners, which has been constantly flowing into these colonies, has, for the greatest part, been composed of dissenters from the establishments[1] of their several countries, and have brought with them a temper and a character far from alien to that of the people with whom they mixed.

Sir, I can perceive by their manner, that some gentlemen object to the latitude of this description; because in the southern colonies the Church of England forms a large body, and has a regular establishment. It is certainly true. There is, however, a circumstance attending these colonies, which, in my opinion, fully counterbalances this difference, and makes the spirit of liberty still more high and haughty than in those to the northward. It is, that in Virginia and the Carolinas they have a vast multitude of slaves. Where this is the case in any part of the world, those who are free are by far the most proud and jealous of their freedom. Freedom is to them not only an enjoyment, but a kind of rank and privilege. Not seeing there that freedom, as in countries where it is a common blessing, and as broad and general as the air, may be united with much abject toil, with great misery, with all the exterior of servitude, liberty looks, amongst them, like something that is more noble and liberal. I do not mean, Sir, to commend

the superior morality of this sentiment, which has at least as much pride as virtue in it; but I cannot alter the nature of man. The fact is so; and these people of the southern colonies are much more strongly, and with a higher and more stubborn spirit, attached to liberty, than those to the northward. Such were all the ancient commonwealths; such were our Gothic ancestors; such in our days were the Poles; and such will be all masters of slaves, who are not slaves themselves. In such a people, the haughtiness of domination combines with the spirit of freedom, fortifies it, and renders it invincible.

Permit me, Sir, to add another circumstance in our colonies, which contributes no mean part towards the growth and effect of this untractable spirit. I mean their education. In no country perhaps in the world is the law so general a study. The profession itself is numerous and powerful; and in most provinces it takes the lead. The greater number of the deputies sent to the congress were lawyers. But all who read, and most do read, endeavor to obtain some smattering in that science. I have been told by an eminent bookseller, that in no branch of his business, after tracts of popular devotion, were so many books as those on the law exported to the plantations. The colonists have now fallen into the way of printing them for their own use. I hear that they have sold nearly as many of Blackstone's *Commentaries* in America as in England. General Gage marks out this disposition very particularly in a letter on your

table. He states, that all the people in his government are lawyers, or smatterers in law; and that in Boston they have been enabled, by successful chicane,[1] wholly to evade many parts of one of your capital penal constitutions. The smartness of debate will say, that this knowledge ought to teach them more clearly the rights of legislature, their obligations to obedience, and the penalties of rebellion. All this is mighty well. But my honorable and learned friend[2] on the floor, who condescends to mark what I say for animadversion, will disdain that ground. He has heard, as well as I, that when great honors and great emoluments do not win over this knowledge to the service of the state, it is a formidable adversary to government. If the spirit be not tamed and broken by these happy methods, it is stubborn and litigious. *Abeunt studia in mores.*[3] This study renders men acute, inquisitive, dexterous, prompt in attack, ready in defense, full of resources. In other countries, the people, more simple, and of a less mercurial cast, judge of an ill principle in government only by an actual grievance; here they anticipate the evil, and judge of the pressure of the grievance by the badness of the principle. They augur misgovernment at a distance; and snuff the approach of tyranny in every tainted breeze.

The last cause of this disobedient spirit in the colonies is hardly less powerful than the rest, as it is not merely moral, but laid deep in the natural constitution of things. Three thousand miles of ocean lie

between you and them. No contrivance can prevent the effect of this distance in weakening government. Seas roll, and months pass, between the order and the execution; and the want of a speedy explanation of a single point is enough to defeat a whole system. You have, indeed, winged ministers of vengeance,[1] who carry your bolts in their pounces[2] to the remotest verge of the sea. But there a power steps in, that limits the arrogance of raging passions and furious elements, and says, "So far shalt thou go, and no farther." Who are you, that should fret and rage, and bite the chains of nature?—Nothing worse happens to you than does to all nations who have extensive empire; and it happens in all the forms into which empire can be thrown. In large bodies, the circulation of power must be less vigorous at the extremities. Nature has said it. The Turk cannot govern Egypt, and Arabia, and Curdistan, as he governs Thrace; nor has he the same dominion in Crimea and Algiers, which he has at Brusa and Smyrna.[3] Despotism itself is obliged to truck and huckster. The Sultan gets such obedience as he can. He governs with a loose rein, that he may govern at all; and the whole of the force and vigor of his authority in his center is derived from a prudent relaxation in all his borders. Spain, in her provinces, is, perhaps, not so well obeyed as you are in yours. She complies too; she submits; she watches times. This is the immutable condition, the eternal law, of extensive and detached empire.

Then, Sir, from these six capital sources: of descent; of form of government; of religion in the northern provinces; of manners in the southern; of education; of the remoteness of situation from the first mover of government; from all these causes a fierce spirit of liberty has grown up. It has grown with the growth of the people in your colonies, and increased with the increase of their wealth; a spirit, that unhappily meeting with an exercise of power in England, which, however lawful, is not reconcilable to any ideas of liberty, much less with theirs, has kindled this flame that is ready to consume us.

I do not mean to commend either the spirit in this excess, or the moral causes which produce it. Perhaps a more smooth and accommodating spirit of freedom in them would be more acceptable to us. Perhaps ideas of liberty might be desired, more reconcilable with an arbitrary and boundless authority. Perhaps we might wish the colonists to be persuaded that their liberty is more secure when held in trust for them by us (as their guardians during a perpetual minority), than with any part of it in their own hands. The question is, not whether their spirit deserves praise or blame, but—what, in the name of God, shall we do with it? You have before you the object, such as it is, with all its glories, with all its imperfections on its head. You see the magnitude; the importance; the temper; the habits; the disorders. By all these considerations we are strongly urged to determine something concerning it. We are called upon to fix

some rule and line for our future conduct, which may give a little stability to our politics, and prevent the return of such unhappy deliberations as the present. Every such return will bring the matter before us in a still more untractable form. For what astonishing and incredible things have we not seen already! What monsters have not been generated from this unnatural contention! Whilst every principle of authority and resistance has been pushed, upon both sides, as far as it would go, there is nothing so solid and certain, either in reasoning or in practice, that has not been shaken. Until very lately, all authority in America seemed to be nothing but an emanation from yours. Even the popular part of the colony constitution derives all its activity, and its first vital movement, from the pleasure of the crown.[1] We thought, Sir, that the utmost which the discontented colonists could do was to disturb authority; we never dreamt they could of themselves supply it; knowing in general what an operose[2] business it is to establish a government absolutely new. But having, for our purposes in this contention, resolved, that none but an obedient assembly should sit; the humors of the people there, finding all passage through the legal channel stopped, with great violence broke out another way. Some provinces have tried their experiment, as we have tried ours; and theirs has succeeded. They have formed a government sufficient for its purposes, without the bustle of a revolution, or the troublesome formality of an election.

Evident necessity, and tacit consent, have done the business in an instant. So well they have done it, that Lord Dunmore[1] (the account is among the fragments on your table) tells you, that the new institution is infinitely better obeyed than the ancient government ever was in its most fortunate periods. Obedience is what makes government, and not the names by which it is called; not the name of governor, as formerly, or committee, as at present. This new government has originated directly from the people; and was not transmitted through any of the ordinary artificial media of a positive constitution. It was not a manufacture ready formed, and transmitted to them in that condition from England. This evil arising from hence is this: that the colonists having once found the possibility of enjoying the advantages of order in the midst of a struggle for liberty, such struggles will not henceforward seem so terrible to the settled and sober part of mankind as they had appeared before the trial.

Pursuing the same plan of punishing by the denial of the exercise of government to still greater lengths, we wholly abrogated the ancient government of Massachusetts. We were confident that the first feeling, if not the very prospect of anarchy,[2] would instantly enforce a complete submission. The experiment was tried. A new, strange, unexpected face of things appeared. Anarchy is found tolerable. A vast province has now subsisted, and subsisted in a considerable degree of health and vigor, for near a

twelvemonth, without governor, without public council, without judges, without executive magistrates. How long it will continue in this state, or what may arise out of this unheard-of situation, how can the wisest of us conjecture? Our late experience has taught us that many of those fundamental principles, formerly believed infallible, are either not of the importance they were imagined to be; or that we have not at all adverted to some other far more important and far more powerful principles, which entirely overrule those we had considered as omnipotent. I am much against any further experiments, which tend to put to the proof any more of these allowed opinions, which contribute so much to the public tranquillity. In effect, we suffer as much at home by this loosening of all ties, and this concussion of all established opinions, as we do abroad. For, in order to prove that the Americans have no right to their liberties, we are every day endeavoring to subvert the maxims which preserve the whole spirit of our own. To prove that the Americans ought not to be free, we are obliged to depreciate the value of freedom itself; and we never seem to gain a paltry advantage over them in debate, without attacking some of those principles, or deriding some of those feelings, for which our ancestors have shed their blood.

But, Sir, in wishing to put an end to pernicious experiments, I do not mean to preclude the fullest inquiry. Far from it. Far from deciding on a sudden or partial view, I would patiently go round and round

the subject, and survey it minutely in every possible aspect. Sir, if I were capable of engaging you to an equal attention, I would state, that, as far as I am capable of discerning, there are but three ways of proceeding relative to this stubborn spirit which prevails in your colonies, and disturbs your government. These are—To change that spirit as inconvenient, by removing the causes. To prosecute it as criminal. Or, to comply with it as necessary. I would not be guilty of an imperfect enumeration; I can think of but these three. Another has indeed been started, that of giving up the colonies; but it met so slight a reception, that I do not think myself obliged to dwell a great while upon it. It is nothing but a little sally of anger, like the forwardness of peevish children, who, when they cannot get all they would have, are resolved to take nothing.

The first of these plans, to change the spirit, as inconvenient, by removing the causes, I think is the most like a systematic proceeding. It is radical in its principle; but it is attended with great difficulties, some of them little short, as I conceive, of impossibilities. This will appear by examining into the plans which have been proposed.

As the growing population in the colonies is evidently one cause of their resistance, it was last session mentioned in both Houses, by men of weight, and received not without applause, that in order to check this evil, it would be proper for the crown to make no further grants of land. But to this scheme there are

two objections. The first, that there is already so much unsettled land in private hands, as to afford room for an immense future population, although the crown not only withheld its grants, but annihilated its soil. If this be the case, then the only effect of this avarice of desolation, this hoarding of a royal wilderness, would be to raise the value of the possessions in the hands of the great private monopolists, without any adequate check to the growing and alarming mischief of population.

But if you stopped your grants, what would be the consequence? The people would occupy without grants. They have already so occupied in many places. You cannot station garrisons in every part of these deserts. If you drive the people from one place, they will carry on their annual tillage, and remove with their flocks and herds to another. Many of the people in the back settlements are already little attached to particular situations. Already they have topped the Appalachian mountains. From thence they behold before them an immense plain,[1] one vast, rich, level meadow; a square of five hundred miles. Over this they would wander without a possibility of restraint; they would change their manners with the habits of their life; would soon forget a government by which they were disowned; would become hordes of English Tartars;[2] and pouring down upon your unfortified frontiers a fierce and irresistible cavalry, become masters of your governors, and your counselors, your collectors and comptrollers, and of

all the slaves that adhered to them. Such would, and, in no long time, must be, the effect of attempting to forbid as a crime, and to suppress as an evil, the command and blessing of Providence, "Increase and multiply." Such would be the happy result of an endeavor to keep as a lair of wild beasts, that earth, which God, by an express charter, has given to the children of men. Far different, and surely much wiser, has been our policy hitherto. Hitherto we have invited our people, by every kind of bounty, to fixed establishments. We have invited the husbandman to look to authority for his title. We have taught him piously to believe in the mysterious virtue of wax and parchment. We have thrown each tract of land, as it was peopled, into districts; that the ruling power should never be wholly out of sight. We have settled all we could; and we have carefully attended every settlement with government.

Adhering, Sir, as I do, to this policy, as well as for the reasons I have just given, I think this new project of hedging-in population to be neither prudent nor practicable.

To impoverish the colonies in general, and in particular to arrest the noble course of their marine enterprises, would be a more easy task. I freely confess it. We have shown a disposition to a system of this kind; a disposition even to continue the restraint after the offense; looking on ourselves as rivals to our colonies, and persuaded that of course we must gain all that they shall lose. Much mischief we may certainly do.

The power inadequate to all other things is often more than sufficient for this. I do not look on the direct and immediate power of the colonies to resist our violence as very formidable. In this, however, I may be mistaken. But when I consider, that we have colonies for no purpose but to be serviceable to us, it seems to my poor understanding a little preposterous to make them unserviceable, in order to keep them obedient. It is, in truth, nothing more than the old, and, as I thought, exploded problem of tyranny, which proposes to beggar its subjects into submission. But remember, when you have completed your system of impoverishment, that nature still proceeds in her ordinary course; that discontent will increase with misery; and that there are critical moments in the fortune of all states, when they who are too weak to contribute to your prosperity, may be strong enough to complete your ruin. *Spoliatis arma supersunt.*[1]

The temper and character which prevail in our colonies are, I am afraid, unalterable by any human art. We cannot, I fear, falsify the pedigree of this fierce people, and persuade them that they are not sprung from a nation in whose veins the blood of freedom circulates. The language in which they would hear you tell them this tale would detect the imposition; your speech would betray you. An Englishman is the unfittest person on earth to argue another Englishman into slavery.

I think it is nearly as little in our power to change their republican religion as their free descent; or to

substitute the Roman Catholic, as a penalty; or the Church of England, as an improvement. The mode of inquisition and dragooning is going out of fashion in the Old World; and I should not confide much to their efficacy in the New. The education of the Americans is also on the same unalterable bottom with their religion. You cannot persuade them to burn their books of curious science; to banish their lawyers from their courts of laws; or to quench the lights of their assemblies, by refusing to choose those persons who are best read in their privileges. It would be no less impracticable to think of wholly annihilating the popular assemblies, in which these lawyers sit. The army, by which we must govern in their place, would be far more chargeable to us; not quite so effectual; and, perhaps, in the end, full as difficult to be kept in obedience.

With regard to the high aristocratic spirit of Virginia and the southern colonies, it has been proposed, I know, to reduce it, by declaring a general enfranchisement of their slaves. This project has had its advocates and panegyrists; yet I never could argue myself into any opinion of it. Slaves are often much attached to their masters. A general wild offer of liberty would not always be accepted. History furnishes few instances of it. It is sometimes as hard to persuade slaves to be free, as it is to compel freemen to be slaves; and in this suspicious scheme, we should have both these pleasing tasks on our hands at once. But when we talk of enfranchisement, do we

not perceive that the American master may enfranchise too; and arm servile hands in defense of freedom? A measure to which other people have had recourse more than once, and not without success, in a desperate situation of their affairs.

Slaves as these unfortunate black people are, and dull as all men are from slavery, must they not a little suspect the offer of freedom from that very nation which has sold them to their present masters? from that nation, one of whose causes of quarrel with those masters is their refusal to deal any more in that inhuman traffic? An offer of freedom from England would come rather oddly, shipped to them in an African vessel, which is refused an entry into the ports of Virginia or Carolina, with a cargo of three hundred Angola[1] negroes. It would be curious to see the Guinea captain[2] attempting at the same instant to publish his proclamation of liberty, and to advertise his sale of slaves.

But let us suppose all these moral difficulties got over. The ocean remains. You cannot pump this dry; and as long as it continues in its present bed, so long all the causes which weaken authority by distance will continue.

> Ye gods, annihilate but space and time,
> And make two lovers happy!

was a pious and passionate prayer;—but just as reasonable as many of the serious wishes of very grave and solemn politicians.

If, then, Sir, it seems almost desperate to think of any alterative[1] course, for changing the moral causes (and not quite easy to remove the natural) which produce prejudices irreconcilable to the late exercise of our authority; but that the spirit infallibly will continue; and, continuing, will produce such effects as now embarrass us; the second mode under consideration is, to prosecute that spirit in its overt acts, as *criminal*.

At this proposition I must pause a moment. The thing seems a great deal too big for my ideas of jurisprudence. It should seem to my way of conceiving such matters, that there is a very wide difference in reason and policy, between the mode of proceeding on their regular conduct of scattered individuals, or even of bands of men, who disturb order within the state, and the civil dissensions which may, from time to time, on great questions, agitate the several communities which compose a great empire. It looks to me to be narrow and pedantic, to apply the ordinary ideas of criminal justice to this great public contest. I do not know the method of drawing up an indictment against a whole people. I cannot insult and ridicule the feelings of millions of my fellow-creatures, as Sir Edward Coke[2] insulted one excellent individual (Sir Walter Raleigh) at the bar. I hope I am not ripe to pass sentence on the gravest public bodies, intrusted with magistracies of great authority and dignity, and charged with the safety of their fellow-citizens, upon the very same title that I am. I really

think, that for wise men this is not judicious; for sober men, not decent; for minds tinctured with humanity, not mild and merciful.

Perhaps, Sir, I am mistaken in my idea of an empire, as distinguished from a single state or kingdom. But my idea of it is this: that an empire is the aggregate of many states under one common head; whether this head be a monarch, or a presiding republic. It does, in such constitutions, frequently happen (and nothing but the dismal, cold, dead uniformity of servitude can prevent its happening) that the subordinate parts have many local privileges and immunities. Between these privileges and the supreme common authority the line may be extremely nice. Of course disputes, often, too, very bitter disputes, and much ill blood, will arise. But though every privilege is an exemption (in the case) from the ordinary exercise of the supreme authority, it is no denial of it. The claim of a privilege seems rather, *ex vi termini*,[1] to imply a superior power. For to talk of the privileges of a state, or of a person, who has no superior, is hardly any better than speaking nonsense. Now, in such unfortunate quarrels among the component parts of a great political union of communities, I can scarcely conceive anything more completely imprudent, than for the head of the empire to insist, that, if any privilege is pleaded against his will, or his acts, his whole authority is denied; instantly to proclaim rebellion, to beat to arms, and to put the offending provinces under the ban. Will not this,

Sir, very soon teach the provinces to make no distinctions on their part? Will it not teach them that the government against which a claim of liberty is tantamount to high treason, is a government to which submission is equivalent to slavery? It may not always be quite convenient to impress dependent communities with such an idea.

We are indeed, in all disputes with the colonies, by the necessity of things, the judge. It is true, Sir. But I confess, that the character of judge in my own cause is a thing that frightens me. Instead of filling me with pride, I am exceedingly humbled by it. I cannot proceed with a stern, assured, judicial confidence, until I find myself in something more like a judicial character. I must have these hesitations as long as I am compelled to recollect, that, in my little reading upon such contests as these, the sense of mankind has, at least, as often decided against the superior as the subordinate power. Sir, let me add too, that the opinion of my having some abstract right in my favor would not put me much at my ease in passing sentence; unless I could be sure, that there were no rights which, in their exercise under certain circumstances, were not the most odious of all wrongs, and the most vexatious of all injustice. Sir, these considerations have great weight with me, when I find things so circumstanced, that I see the same party, at once a civil litigant against me in point of right, and a culprit before me; while I sit as a criminal judge, on acts of his, whose moral quality is to be decided upon

the merits of that very litigation. Men are every now and then put, by the complexity of human affairs, into strange situations; but justice is the same, let the judge be in what situation he will.

There is, Sir, also a circumstance which convinces me, that this mode of criminal proceeding is not (at least in the present stage of our contest) altogether expedient; which is nothing less than the conduct of those very persons who have seemed to adopt that mode, by lately declaring a rebellion in Massachusetts Bay, as they had formerly addressed[1] to have traitors brought hither, under an act of Henry VIII, for trial. For though rebellion is declared, it is not proceeded against as such; nor have any steps been taken towards the apprehension or conviction of any individual offender, either on our late or our former address; but modes of public coercion have been adopted, and such as have much more resemblance to a sort of qualified hostility towards an independent power than the punishment of rebellious subjects. All this seems rather inconsistent; but it shows how difficult it is to apply these juridical ideas to our present case.

In this situation, let us seriously and coolly ponder. What is it we have got by all our menaces, which have been many and ferocious? What advantage have we derived from the penal laws we have passed, and which, for the time, have been severe and numerous? What advances have we made towards our object, by the sending of a force, which, by land and sea, is no

contemptible strength? Has the disorder abated? Nothing less.[1] When I see things in this situation, after such confident hopes, bold promises, and active exertions, I cannot, for my life, avoid a suspicion, that the plan itself is not correctly right.

If then the removal of the causes of this spirit of American liberty be, for the greater part, or rather entirely, impracticable; if the ideas of criminal process be inapplicable, or if applicable, are in the highest degree inexpedient; what way yet remains? No way is open, but the third and last—to comply with the American spirit as necessary; or, if you please, to submit to it as a necessary evil.

If we adopt this mode; if we mean to conciliate and concede; let us see of what nature the concession ought to be: to ascertain the nature of our concession, we must look at their complaint. The colonies complain, that they have not the characteristic mark and seal of British freedom. They complain, that they are taxed in a parliament in which they are not represented. If you mean to satisfy them at all, you must satisfy them with regard to this complaint. If you mean to please any people, you must give them the boon which they ask; not what you may think better for them but of a kind totally different. Such an act may be a wise regulation, but it is no concession; whereas our present theme is the mode of giving satisfaction.

Sir, I think you must perceive, that I am resolved this day to have nothing at all to do with the question

of the right of taxation. Some gentlemen startle—but it is true; I put it totally out of the question. It is less than nothing in my consideration. I do not indeed wonder, nor will you, Sir, that gentlemen of profound learning are fond of displaying it on this profound subject. But my consideration is narrow, confined, and wholly limited to the policy of the question. I do not examine, whether the giving away a man's money be a power excepted and reserved out of the general trust of government; and how far all mankind, in all forms of polity, are entitled to an exercise of that right by the charter of nature. Or whether, on the contrary, a right of taxation is necessarily involved in the general principle of legislation, and inseparable from the ordinary supreme power. These are deep questions, where great names militate against each other; where reason is perplexed; and an appeal to authorities only thickens the confusion. For high and reverend authorities lift up their heads on both sides; and there is no sure footing in the middle. This point is the great

> *Serbonian bog*[1]
> *Betwixt Damiata and Mount Casius old,*
> *Where armies whole have sunk.*

I do not intend to be overwhelmed in that bog, though in such respectable company. The question with me is, not whether you have a right to render your people miserable; but whether it is not your interest to make them happy. It is not, what a lawyer tells me I *may*

do; but what humanity, reason, and justice tell me I ought to do. Is a politic act the worse for being a generous one? Is no concession proper, but that which is made from your want of right to keep what you grant? Or does it lessen the grace or dignity of relaxing in the exercise of an odious claim, because you have your evidence-room full of titles, and your magazines stuffed with arms to enforce them? What signify all those titles, and all those arms? Of what avail are they, when the reason of the thing tells me, that the assertion of my title is the loss of my suit; and that I could do nothing but wound myself by the use of my own weapons?

Such is steadfastly my opinion of the absolute necessity of keeping up the concord of this empire by a unity of spirit, though in a diversity of operations, that, if I were sure the colonists had, at their leaving this country, sealed a regular compact of servitude; that they had solemnly abjured all the rights of citizens; that they had made a vow to renounce all ideas of liberty for them and their posterity to all generations; yet I should hold myself obliged to conform to the temper I found universally prevalent in my own day, and to govern two millions of men, impatient of servitude, on the principles of freedom. I am not determining a point of law; I am restoring tranquillity; and the general character and situation of a people must determine what sort of government is fitted for them. That point nothing else can or ought to determine.

My idea, therefore, without considering whether we yield as matter of right, or grant as matter of favor, is *to admit the people of our colonies into an interest in the constitution;*[1] and, by recording that admission in the journals of parliament, to give them as strong an assurance as the nature of the thing will admit, that we mean for ever to adhere to that solemn declaration of systematic indulgence.

Some years ago, the repeal of a revenue act,[2] upon its understood principle, might have served to show that we intended an unconditional abatement of the exercise of a taxing power. Such a measure was then sufficient to remove all suspicion, and to give perfect content. But unfortunate events, since that time, may make something further necessary; and not more necessary for the satisfaction of the colonies, than for the dignity and consistency of our own future proceedings.

I have taken a very incorrect measure of the disposition of the House, if this proposal in itself would be received with dislike. I think, Sir, we have few American financiers.[3] But our misfortune is, we are too acute; we are too exquisite in our conjectures of the future, for men oppressed with such great and present evils. The more moderate among the opposers of parliamentary concession freely confess, that they hope no good from taxation; but they apprehend the colonists have further views,[4] and if this point were conceded, they would instantly attack the trade laws.[5] These gentlemen are convinced, that this was the

intention from the beginning; and the quarrel of the Americans with taxation was no more than a cloak and cover to this design. Such has been the language even of a gentleman[1] of real moderation and of a natural temper well adjusted to fair and equal government. I am, however, Sir, not a little surprised at this kind of discourse, whenever I hear it; and I am the more surprised, on account of the arguments which I constantly find in company with it, and which are often urged from the same mouths, and on the same day.

For instance, when we allege that it is against reason to tax a people under so many restraints in trade as the Americans, the noble lord[2] in the blue riband shall tell you, that the restraints on trade are futile and useless; of no advantage to us, and of no burthen to those on whom they are imposed; that the trade to America is not secured by the acts of navigation, but by the natural and irresistible advantage of a commercial preference.

Such is the merit of the trade laws in this posture of the debate. But when strong internal circumstances are urged against the taxes; when the scheme is dissected; when experience and the nature of things are brought to prove, and do prove, the utter impossibility of obtaining an effective revenue from the colonies; when these things are pressed, or rather press themselves, so as to drive the advocates of colony taxes to a clear admission of the futility of the scheme; then, Sir, the sleeping trade laws revive from their

trance; and this useless taxation is to be kept sacred, not for its own sake, but as a counter-guard and security of the laws of trade.

Then, Sir, you keep up revenue laws which are mischievous, in order to preserve trade laws that are useless. Such is the wisdom of our plan in both its members. They are separately given up as of no value; and yet one is always to be defended for the sake of the other. But I cannot agree with the noble lord, nor with the pamphlet[1] from whence he seems to have borrowed these ideas, concerning the inutility of the trade laws. For, without idolizing them, I am sure they are still, in many ways, of great use to us; and in former times they have been of the greatest. They do confine, and they do greatly narrow, the market for the Americans. But my perfect conviction of this does not help me in the least to discern how the revenue laws form any security whatsoever to the commercial regulations; or that these commercial regulations are the true ground of the quarrel; or that the giving way, in any one instance of authority, is to lose all that may remain unconceded.

One fact is clear and indisputable. The public and avowed origin of this quarrel was on taxation. This quarrel has indeed brought on new disputes on new questions; but certainly the least bitter, and the fewest of all, on the trade laws. To judge which of the two be the real, radical cause of quarrel, we have to see whether the commercial dispute did, in order of time, precede the dispute on taxation? There is not a

shadow of evidence for it. Next, to enable us to judge whether at this moment a dislike to the trade laws be the real cause of quarrel, it is absolutely necessary to put the taxes out of the question by a repeal. See how the Americans act in this position, and then you will be able to discern correctly what is the true object of the controversy, or whether any controversy at all will remain. Unless you consent to remove this cause of difference, it is impossible, with decency, to assert that the dispute is not upon what it is avowed to be. And I would, Sir, recommend to your serious consideration, whether it be prudent to form a rule for punishing people, not on their own acts, but on your conjectures? Surely it is preposterous at the very best. It is not justifying your anger by their misconduct; but it is converting your ill-will into their delinquency.

But the colonies will go further.—Alas! alas! when will this speculating against fact and reason end?—What will quiet these panic fears which we entertain of the hostile effect of a conciliatory conduct? Is it true, that no case can exist in which it is proper for the sovereign to accede to the desires of his discontented subjects? Is there anything peculiar in this case, to make a rule for itself? Is all authority of course lost, when it is not pushed to the extreme? Is it a certain maxim, that the fewer causes of dissatisfaction are left by government, the more the subject will be inclined to resist and rebel?

All these objections being in fact no more than

suspicions, conjectures, divinations, formed in defiance of fact and experience; they did not, Sir, discourage me from entertaining the idea of a conciliatory concession, founded on the principles which I have just stated.

In forming a plan for this purpose, I endeavored to put myself in that frame of mind which was the most natural, and the most reasonable; and which was certainly the most probable means of securing me from all error. I set out with a perfect distrust of my own abilities; a total renunciation of every speculation of my own; and with a profound reverence for the wisdom of our ancestors, who have left us the inheritance of so happy a constitution, and so flourishing an empire, and what is a thousand times more valuable, the treasury of the maxims and principles which formed the one, and obtained the other.

During the reigns of the kings of Spain of the Austrian family, whenever they were at a loss in the Spanish councils, it was common for their statesmen to say, that they ought to consult the genius of Philip II.[1] The genius of Philip II might mislead them; and the issue of their affairs showed that they had not chosen the most perfect standard. But, Sir, I am sure that I shall not be misled, when, in a case of constitutional difficulty, I consult the genius of the English constitution. Consulting at that oracle (it was with all due humility and piety) I found four capital examples in a similar case before me: those of Ireland, Wales, Chester, and Durham.

Ireland,[1] before the English conquest, though never governed by a despotic power, had no parliament. How far the English parliament itself was at that time modeled according to the present form, is disputed among antiquarians. But we have all the reason in the world to be assured that a form of parliament, such as England then enjoyed, she instantly communicated to Ireland; and we are equally sure that almost every successive improvement in constitutional liberty, as fast as it was made here, was transmitted thither. The feudal baronage, and the feudal knighthood, the roots of our primitive constitution, were early transplanted into that soil; and grew and flourished there. Magna Charta,[2] if it did not give us originally the House of Commons, gave us at least a House of Commons of weight and consequence. But your ancestors did not churlishly sit down alone to the feast of Magna Charta. Ireland was made immediately a partaker. This benefit of English laws and liberties, I confess, was not at first extended to *all* Ireland.[3] Mark the consequence. English authority and English liberties had exactly the same boundaries. Your standard could never be advanced an inch before your privileges. Sir John Davis[4] shows beyond a doubt, that the refusal of a general communication of these rights was the true cause why Ireland was five hundred years in subduing; and after the vain projects of a military government, attempted in the reign of Queen Elizabeth, it was soon discovered, that nothing could make that

country English, in civility and allegiance, but your laws and your forms of legislature. It was not English arms, but the English constitution, that conquered Ireland. From that time, Ireland has ever had a general parliament, as she had before a partial parliament. You changed the people;[1] you altered the religion;[2] but you never touched the form or the vital substance of free government in that kingdom. You deposed kings;[3] you restored them; you altered the succession to theirs, as well as to your own crown; but you never altered their constitution; the principle of which was respected by usurpation;[4] restored with the restoration of monarchy, and established, I trust, for ever, by the glorious Revolution.[5] This has made Ireland the great and flourishing kingdom that it is; and from a disgrace and a burthen intolerable to this nation, has rendered her a principal part of our strength and ornament.[6] This country cannot be said to have ever formally taxed her. The irregular things done in the confusion of mighty troubles, and on the hinge of great revolutions, even if all were done that is said to have been done, form no example. If they have any effect in argument, they make an exception to prove the rule. None of your own liberties could stand a moment if the casual deviations from them, at such times, were suffered to be used as proofs of their nullity. By the lucrative amount of such casual breaches in the constitution, judge what the stated and fixed rule of supply has been in that kingdom. Your Irish pensioners would starve if they

had no other fund to live on than taxes granted by English authority. Turn your eye to those popular grants from whence all your great supplies are come; and learn to respect that only source of public wealth in the British empire.

My next example is Wales.[1] This country was said to be reduced by Henry III. It was said more truly to be so by Edward I. But though then conquered, it was not looked upon as any part of the realm of England. Its old constitution, whatever that might have been, was destroyed; and no good one was substituted in its place. The care of that tract was put into the hands of lords marchers[2] —a form of government of a very singular kind; a strange heterogeneous monster, something between hostility and government; perhaps it has a sort of resemblance, according to the modes of those times, to that of commander-in-chief at present, to whom all civil power is granted as secondary. The manners of the Welsh nation followed the genius of the government; the people were ferocious, restive, savage, and uncultivated; sometimes composed, never pacified. Wales, within itself, was in perpetual disorder; and it kept the frontier of England in perpetual alarm. Benefits from it to the state there were none. Wales was only known to England by incursion and invasion.

Sir, during that state of things, parliament was not idle. They attempted to subdue the fierce spirit of the Welsh by all sorts of rigorous laws. They prohibited by statute the sending all sorts of arms into Wales,

as you prohibit by proclamation (with something more of doubt on the legality) the sending arms to America. They disarmed the Welsh by statute, as you attempted (but still with more question on the legality) to disarm New England by an instruction. They made an act to drag offenders from Wales into England for trial, as you have done (but with more hardship) with regard to America. By another act, where one of the parties was an Englishman, they ordained that his trial should be always by English. They made acts to restrain trade, as you do; and they prevented the Welsh from the use of fairs and markets, as you do the Americans from fisheries and foreign ports. In short, when the statute book was not quite so much swelled as it is now, you find no less than fifteen acts of penal regulation on the subject of Wales.

Here we rub our hands—A fine body of precedents for the authority of parliament and the use of it!—I admit it fully; and pray add likewise to these precedents, that all the while, Wales rid this kingdom like an *incubus;* that it was an unprofitable and oppressive burthen; and that an Englishman traveling in that country could not go six yards from the highroad without being murdered.

The march of the human mind is slow. Sir, it was not until after two hundred years discovered that, by an eternal law, Providence had decreed vexation to violence, and poverty to rapine. Your ancestors did, however, at length open their eyes to the ill

husbandry of injustice. They found that the tyranny of a free people could of all tyrannies the least be endured; and that laws made against a whole nation were not the most effectual methods for securing its obedience. Accordingly, in the twenty-seventh year of Henry VIII the course was entirely altered. With a preamble stating the entire and perfect rights of the crown of England, it gave to the Welsh all the rights and privileges of English subjects. A political order was established; the military power gave way to the civil; the marches were turned into counties. But that a nation should have a right to English liberties, and yet no share at all in the fundamental security of these liberties—the grant of their own property—seemed a thing so incongruous, that, eight years after, that is, in the thirty-fifth of that reign, a complete and not ill-proportioned representation by counties and boroughs was bestowed upon Wales, by act of parliament. From that moment, as by a charm, the tumults subsided, obedience was restored, peace, order, and civilization followed in the train of liberty. —When the day-star of the English constitution had arisen in their hearts, all was harmony within and without—

—Simul alba nautis
Stella refulsit,
Defluit saxis agitatus humor;
Concidunt venti, fugiúntque nubes,
Et minax (quòd sic voluere) ponto
Unda recumbit.[1]

The very same year the county palatine[1] of Chester received the same relief from its oppressions, and the same remedy to its disorders. Before this time Chester was little less distempered than Wales. The inhabitants, without rights themselves, were the fittest to destroy the rights of others, and from thence Richard II drew the standing army of archers, with which for a time he oppressed England. The people of Chester applied to parliament in a petition penned as I shall read to you:

To the king our sovereign lord, in most humble wise shown unto your excellent Majesty, the inhabitants of your Grace's county palatine of Chester; (1) That where the said county palatine of Chester is and hath been always hitherto exempt, excluded, and separated out and from your high court of parliament, to have any knights and burgesses within the said court; by reason whereof the said inhabitants have hitherto sustained manifold disherisons,[2] losses, and damages, as well in their lands, goods, and bodies, as in the good, civil, and politic governance and maintenance of the commonwealth of their said country: (2). And forasmuch as the said inhabitants have always hitherto been bound by the acts and statutes made and ordained by your said Highness, and your most noble progenitors, by authority of the said court, as far forth as other counties, cities, and boroughs have been, that have had their knights and burgesses within your said court of parliament, and yet have had neither knight ne[3] burgess there for the said county palatines; the said inhabitants, for lack thereof, have been oftentimes touched and grieved with acts and statutes made within the said court, as well derogatory unto the most ancient jurisdictions, liberties, and privileges of your said county palatine, as prejudicial unto the commonwealth, quietness, rest, and peace of your Grace's most bounden subjects inhabiting within the same.

What did parliament with this audacious address? Reject it as a libel? Treat it as an affront to government? Spurn it as a derogation from the rights of legislature? Did they toss it over the table? Did they burn it by the hands of a common hangman? They took the petition of grievance, all rugged as it was, without softening or temperament, unpurged of the original bitterness and indignation of complaint; they made it the very preamble to their act of redress; and consecrated its principle to all ages in the sanctuary of legislation.

Here is my third example. It was attended with the success of the two former. Chester, civilized as well as Wales, has demonstrated that freedom, and not servitude, is the cure of anarchy; as religion, and not atheism, is the true remedy for superstition. Sir, this pattern of Chester was followed in the reign of Charles II with regard to the county palatine of Durham, which is my fourth example. This county had long lain out of the pale of free legislation. So scrupulously was the example of Chester followed, that the style of the preamble is nearly the same with that of the Chester act; and, without affecting the abstract extent of the authority of parliament, it recognizes the equity of not suffering any considerable district, in which the British subjects may act as a body, to be taxed without their own voice in the grant.

Now if the doctrines of policy contained in these preambles, and the force of these examples in the

acts of parliament, avail anything, what can be said against applying them with regard to America? Are not the people of America as much Englishmen as the Welsh? The preamble of the act of Henry VIII says, the Welsh speak a language no way resembling that of his Majesty's English subjects. Are the Americans not as numerous? If we may trust the learned and accurate Judge Barrington's[1] account of North Wales, and take that as a standard to measure the rest, there is no comparison. The people cannot amount to above 200,000; not a tenth part of the number in the colonies. Is America in rebellion? Wales was hardly ever free from it. Have you attempted to govern America by penal statutes? You made fifteen for Wales. But your legislative authority is perfect with regard to America; was it less perfect in Wales, Chester, and Durham? But America is virtually represented. What! does the electric force of virtual representation more easily pass over the Atlantic, than pervade Wales, which lies in your neighborhood; or than Chester and Durham, surrounded by abundance of representation that is actual and palpable? But, Sir, your ancestors thought this sort of virtual representation, however ample, to be totally insufficient for the freedom of the inhabitants of territories that are so near, and comparatively so inconsiderable. How then can I think it sufficient for those which are infinitely greater, and infinitely more remote?

You will now, Sir, perhaps imagine, that I am on

the point of proposing to you a scheme for a representation of the colonies in parliament. Perhaps I might be inclined to entertain some such thought; but a great flood stops me in my course. *Opposuit natura*[1]—I cannot remove the eternal barriers of the creation. The thing, in that mode, I do not know to be possible. As I meddle with no theory, I do not absolutely assert the impracticability of such a representation. But I do not see my way to it; and those who have been more confident have not been more successful. However, the arm of public benevolence is not shortened; and there are often several means to the same end. What nature has disjoined in one way, wisdom may unite in another. When we cannot give the benefit as we would wish, let us not refuse it altogether. If we cannot give the principal, let us find a substitute. But how? Where? What substitute?

Fortunately I am not obliged for the ways and means of this substitute to tax my own unproductive invention. I am not even obliged to go to the rich treasury of the fertile framers of imaginary commonwealths; not to the Republic of Plato;[2] not to the Utopia of More;[3] not to the Oceana of Harrington.[4] It is before me—it is at my feet—

> And the rude swain
> Treads daily on it with his clouted shoon.[5]

I only wish you to recognize, for the theory, the ancient constitutional policy of this kingdom with

regard to representation, as that policy has been declared in acts of parliament; and, as to the practice, to return to that mode which an uniform experience has marked out to you, as best; and in which you walked with security, advantage, and honor, until the year 1763.[1]

My resolutions therefore mean to establish the equity and justice of a taxation of America, by *grant*,[2] and not by *imposition*.[3] To mark the *legal competency* of the colony assemblies for the support of their government in peace, and for public aids in time of war. To acknowledge that this legal competency has had *a dutiful and beneficial exercise;* and that experience has shown the *benefit of their grants*, and the *futility of parliamentary taxation as a method of supply.*

These solid truths compose six fundamental propositions. There are three more resolutions corollary to these. If you admit the first set, you can hardly reject the others. But if you admit the first, I shall be far from solicitous whether you accept or refuse the last. I think these six massive pillars will be of strength sufficient to support the temple of British concord.[4] I have no more doubt than I entertain of my existence, that, if you admitted these, you would command an immediate peace; and, with but tolerable future management, a lasting obedience in America. I am not arrogant in this confident assurance. The propositions are all mere matters of fact; and if they are such facts as draw irresistible conclusions

even in the stating, this is the power of truth, and not any management of mine.

Sir, I shall open the whole plan to you, together with such observations on the motions as may tend to illustrate them where they may want explanation. The first is a resolution—

That the colonies and plantations of Great Britain in North America, consisting of fourteen[1] separate governments, and containing two millions and upwards of free inhabitants, have not had the liberty and privilege of electing and sending any knights and burgesses,[2] or others, to represent them in the high court of parliament.

This is a plain matter of fact, necessary to be laid down, and (excepting the description) it is laid down in the language of the constitution; it is taken nearly *verbatim* from acts of parliament.

The second is like unto the first—

That the said colonies and plantations have been liable to, and bounden by, several subsidies, payments, rates, and taxes, given and granted by parliament, though the said colonies and plantations have not their knights and burgesses, in the said high court of parliament, of their own election, to represent the condition of their country; by lack whereof they have been oftentimes touched and grieved by subsidies given, granted, and assented to, in the said court, in a manner prejudicial to the commonwealth, quietness, rest, and peace of the subjects inhabiting within the same.

Is this description too hot, or too cold, too strong, or too weak? Does it arrogate too much to the supreme legislature? Does it lean too much to the

claims of the people? If it runs into any of these errors, the fault is not mine. It is the language of your own ancient acts of parliament.

> *Non meus hic sermo, sed quæ præcepit Ofellus,*
> *Rusticus, abnormis sapiens.*[1]

It is the genuine produce of the ancient, rustic, manly, home-bred sense of this country.—I did not dare to rub off a particle of the venerable rust that rather adorns and preserves, than destroys, the metal. It would be a profanation to touch with a tool the stones which construct the sacred altar of peace. I would not violate with modern polish the ingenuous and noble roughness of these truly constitutional materials. Above all things, I was resolved not to be guilty of tampering: the odious vice of restless and unstable minds. I put my foot in the tracks of our forefathers, where I can neither wander nor stumble. Determining to fix articles of peace, I was resolved not to be wise beyond what was written; I was resolved to use nothing else than the form of sound words; to let others abound in their own sense; and carefully to abstain from all expressions of my own. What the law has said, I say. In all things else I am silent. I have no organ but for her words. This, if it be not ingenious, I am sure is safe.

There are indeed words expressive of grievance in this second resolution, which those who are resolved always to be in the right will deny to contain matter of fact, as applied to the present case; although

parliament thought them true, with regard to the counties of Chester and Durham. They will deny that the Americans were ever "touched and grieved" with the taxes. If they consider nothing in taxes but their weight as pecuniary impositions, there might be some pretense for this denial. But men may be sorely touched and deeply grieved in their privileges, as well as in their purses. Men may lose little in property by the act which takes away all their freedom. When a man is robbed of a trifle on the highway, it is not the twopence lost that constitutes the capital outrage. This is not confined to privileges. Even ancient indulgences withdrawn, without offense on the part of those who enjoyed such favors, operate as grievances. But were the Americans then not touched and grieved by the taxes, in some measure, merely as taxes? If so, why were they almost all either wholly repealed or exceedingly reduced? Were they not touched and grieved even by the regulating duties of the sixth of George II? Else why were the duties first reduced to one-third in 1764, and afterwards to a third of that third in the year 1766? Were they not touched and grieved by the stamp act? I shall say they were, until that tax is revived. Were they not touched and grieved by the duties of 1767, which were likewise repealed, and which Lord Hillsborough tells you (for the ministry) were laid contrary to the true principle of commerce? Is not the assurance given by that noble person to the colonies of a resolution to lay no more taxes on them, an

admission that taxes would touch and grieve them? Is not the resolution of the noble lord in the blue riband, now standing on your journals, the strongest of all proofs that parliamentary subsidies really touched and grieved them? Else why all these changes, modifications, repeals, assurances, and resolutions?

The next proposition is—

That, from the distance of the said colonies, and from other circumstances, no method hath hitherto been devised for procuring a representation in parliament for the said colonies.

This is an assertion of a fact. I go no further on the paper; though, in my private judgment, an useful representation is impossible; I am sure it is not desired by them; nor ought it, perhaps, by us; but I abstain from opinions.

The fourth resolution is—

That each of the said colonies hath within itself a body, chosen in part, or in the whole, by the freemen, freeholders, or other free inhabitants thereof, commonly called the General Assembly, or General Court; with powers legally to raise, levy, and assess, according to the several usage of such colonies, duties and taxes towards defraying all sorts of public services.

This competence in the colony assemblies is certain. It is proved by the whole tenor of their acts of supply in all the assemblies, in which the constant style of granting is, "an aid to his Majesty"; and acts granting to the crown have regularly for near

a century passed the public offices without dispute. Those who have been pleased paradoxically to deny this right, holding that none but the British parliament can grant to the crown, are wished to look to what is done, not only in the colonies, but in Ireland, in one uniform unbroken tenor every session. Sir, I am surprised that this doctrine should come from some of the law servants of the crown. I say, that if the crown could be responsible, his Majesty—but certainly the ministers, and even these law officers themselves, through whose hands the acts pass biennially in Ireland, or annually in the colonies, are in an habitual course of committing impeachable offenses. What habitual offenders have been all presidents of the council, all secretaries of state, all first lords of trade, all attorneys, and all solicitors general! However, they are safe; as no one impeaches them; and there is no ground of charge against them, except in their own unfounded theories.

The fifth resolution is also a resolution of fact—

> That the said general assemblies, general courts, or other bodies legally qualified as aforesaid, have at sundry times freely granted several large subsidies and public aids for his Majesty's service, according to their abilities, when required thereto by letter from one of his Majesty's principal secretaries of state; and that their right to grant the same, and their cheerfulness and sufficiency in the said grants, have been at sundry times acknowledged by parliament.

To say nothing of their great expenses in the Indian wars; and not to take their exertion in foreign ones,

so high[1] as the supplies in the year 1695; not to go back to their public contributions in the year 1710; I shall begin to travel only where the journals give me light; resolving to deal in nothing but fact, authenticated by parliamentary record; and to build myself wholly on that solid basis.

On the 4th of April, 1748, a committee of this House came to the following resolution:

> Resolved,
>
> That it is the opinion of this committee, *That it is just and reasonable* that the several provinces and colonies of Massachusetts Bay, New Hampshire, Connecticut, and Rhode Island, be reimbursed the expenses they have been at in taking and securing to the crown of Great Britain the island of Cape Breton and its dependencies.

These expenses were immense for such colonies. They were above £200,000 sterling; money first raised and advanced on their public credit.

On the 28th of January, 1756, a message from the king came to us, to this effect—

> His Majesty, being sensible of the zeal and vigor with which his faithful subjects of certain colonies in North America have exerted themselves in defense of his Majesty's just rights and possessions, recommends it to this House to take the same into their consideration, and to enable his Majesty to give them such assistance as may be a *proper reward and encouragement.*

On the 3d of February, 1756, the House came to a suitable resolution, expressed in words nearly the same as those of the message: but with the further addition, that the money then voted was as an *encouragement*

to the colonies to exert themselves with vigor. It will not be necessary to go through all the testimonies which your own records have given to the truth of my resolutions, I will only refer you to the places in the journals:

Vol. XXVII.—16th and 19th May, 1757.
Vol. XXVIII.—June 1st, 1758—April 26th and 30th, 1759—March 26th and 31st, and April 28th, 1760—January 9th and 20th, 1761.
Vol. XXIX.—January 22d and 26th, 1762—March 14th and 17th, 1763.

Sir, here is the repeated acknowledgment of parliament, that the colonies not only gave, but gave to satiety. This nation has formally acknowledged two things; first, that the colonies had gone beyond their abilities, parliament having thought it necessary to reimburse them; secondly, that they had acted legally and laudably in their grants of money, and their maintenance of troops, since the compensation is expressly given as reward and encouragement. Reward is not bestowed for acts that are unlawful; and encouragement is not held out to things that deserve reprehension. My resolution, therefore, does nothing more than collect into one proposition, what is scattered through your journals. I give you nothing but your own; and you cannot refuse in the gross, what you have so often acknowledged in detail. The admission of this, which will be so honorable to them and to you, will, indeed, be mortal to all the miserable stories, by which the passions of the misguided people have been engaged

in an unhappy system. The people heard, indeed, from the beginning of these disputes, one thing continually dinned in their ears, that reason and justice demanded that the Americans, who paid no taxes, should be compelled to contribute. How did that fact, of their paying nothing, stand, when the taxing system began? When Mr. Grenville[1] began to form his system of American revenue, he stated in this House, that the colonies were then in debt two million six hundred thousand pounds sterling money; and was of opinion they would discharge that debt in four years. On this state, those untaxed people were actually subject to the payment of taxes to the amount of six hundred and fifty thousand a year. In fact, however, Mr. Grenville was mistaken. The funds given for sinking the debt did not prove quite so ample as both the colonies and he expected. The calculation was too sanguine; the reduction was not completed till some years after, and at different times in different colonies. However, the taxes after the war continued too great to bear any addition, with prudence or propriety; and when the burdens imposed in consequence of former requisitions[2] were discharged, our tone became too high to resort again to requisition. No colony, since that time, ever has had any requisition whatsoever made to it.

We see the sense of the crown, and the sense of parliament, on the productive nature of a *revenue by grant*. Now search the same journals for the produce of the *revenue by imposition*—Where is it?—let us

know the volume and the page—what is the gross, what is the net produce?—to what service is it applied? —how have you appropriated its surplus?—What, can none of the many skillful index-makers that we are now employing find any trace of it?—Well, let them and that rest together.—But are the journals, which say nothing of the revenue, as silent on the discontent?—Oh no! a child may find it. It is the melancholy burthen and blot of every page.

I think then I am, from those journals, justified in the sixth and last resolution, which is—

> That it hath been found by experience, that the manner of granting the said supplies and aids, by the said general assemblies, hath been more agreeable to the said colonies, and more beneficial, and conducive to the public service, than the mode of giving and granting aids in parliament, to be raised and paid in the said colonies.

This makes the whole of the fundamental part of the plan. The conclusion is irresistible. You cannot say that you were driven by any necessity to an exercise of the utmost rights of legislature. You cannot assert that you took on yourselves the task of imposing colony taxes, from the want of another legal body, that is competent to the purpose of supplying the exigencies of the state without wounding the prejudices of the people. Neither is it true that the body so qualified, and having that competence, had neglected the duty.

The question now, on all this accumulated matter, is;—whether you will choose to a abide by profitable experience, or a mischievous theory; whether

you choose to build on imagination, or fact; whether you prefer enjoyment, or hope; satisfaction in your subjects, or discontent?

If these propositions are accepted, everything which has been made to enforce a contrary system, must, I take it for granted, fall along with it. On that ground, I have drawn the following resolution, which, when it comes to be moved, will naturally be divided in a proper manner:

That it may be proper to repeal an act, made in the seventh year of the reign of his present Majesty, entitled, An act for granting certain duties in the British colonies and plantations in America; for allowing a drawback of the duties of customs upon the exportation from this kingdom, of coffee and cocoanuts of the produce of the said colonies or plantations; for discontinuing the drawbacks payable on China earthenware exported to America; and for more effectually preventing the clandestine running of goods in the said colonies and plantations.—And that it may be proper to repeal an act, made in the fourteenth year of the reign of his present Majesty, entitled, An act to discontinue, in such manner, and for such time, as are therein mentioned, the landing and discharging, lading or shipping, of goods, wares, and merchandise, at the town and within the harbor of Boston, in the province of Massachusetts Bay, in North America.—And that it may be proper to repeal an act, made in the fourteenth year of the reign of his present Majesty, entitled, An act for the impartial administration of justice, in the cases of persons questioned for any acts done by them, in the execution of the law, or for the suppression of riots and tumults, in the province of Massachusetts Bay, in New England.—And that it may be proper to repeal an act, made in the fourteenth year of the reign of his present Majesty, entitled, An act for the better regulating the government of the province of Massachusetts Bay, in New

England.—And, also, that it may be proper to explain and amend an act, made in the thirty-fifth year of the reign of King Henry VIII, entitled, An act for the trial of treasons committed out of the king's dominions.

I wish, Sir, to repeal the Boston Port Bill, because (independently of the dangerous precedent of suspending the rights of the subject during the king's pleasure[1]) it was passed, as I apprehend, with less regularity, and on more partial principles, than it ought. The corporation of Boston was not heard before it was condemned. Other towns, full as guilty as she was, have not had their ports blocked up. Even the restraining bill[2] of the present session does not go to the length of the Boston Port Act. The same ideas of prudence, which induced you not to extend equal punishment to equal guilt, even when you were punishing, induced me, who mean not to chastise, but to reconcile, to be satisfied with the punishment already partially inflicted.

Ideas of prudence and accommodation to circumstances, prevent you from taking away the charters of Connecticut and Rhode Island, as you have taken away that of Massachusetts colony, though the crown has far less power in the two former provinces than it enjoyed in the latter;[3] and though the abuses have been full as great, and as flagrant, in the exempted as in the punished. The same reasons of prudence and accommodation have weight with me in restoring the charter of Massachusetts Bay. Besides, Sir, the act which changes the charter of Massachu-

setts is in many particulars so exceptionable, that if I did not wish absolutely to repeal, I would by all means desire to alter it; as several of its provisions tend to the subversion of all public and private justice. Such, among others, is the power in the governor to change the sheriff at his pleasure; and to make a new returning officer[1] for every special cause. It is shameful to behold such a regulation standing among English laws.

The act for bringing persons accused of committing murder under the orders of government to England for trial is but temporary. That act has calculated the probable duration of our quarrel with the colonies; and is accommodated to that supposed duration. I would hasten the happy moment of reconciliation; and therefore must, on my principle, get rid of that most justly obnoxious act.

The act of Henry VIII, for the trial of treasons, I do not mean to take away, but to confine it to its proper bounds and original intention; to make it expressly for trial of treasons (and the greatest treasons may be committed) in places where the jurisdiction of the crown does not extend.

Having guarded the privileges of local legislature, I would next secure to the colonies a fair and unbiased judicature; for which purpose, Sir, I propose the following resolution:

That, from the time when the general assembly or general court of any colony or plantation in North America, shall have appointed by act of assembly, duly confirmed, a settled salary

to the offices of the chief justice and other judges of the superior court, it may be proper that the said chief justice and other judges of the superior courts of such colony, shall hold his and their office and offices during their good behavior; and shall not be removed therefrom, but when the said removal shall be adjudged by his Majesty in council, upon a hearing on complaint from the general assembly, or on a complaint from the governor, or council, or the house of representatives severally, or of the colony in which the said chief justice and other judges have exercised the said offices.

The next resolution relates to the courts of admiralty.[1] It is this:—

That it may be proper to regulate the courts of admiralty, or vice-admiralty, authorized by the fifteenth chapter of the fourth of George III, in such a manner as to make the same more commodious to those who sue, or are sued, in the said courts, and to provide for the more decent maintenance[2] of the judges in the same.

These courts I do not wish to take away; they are in themselves proper establishments. This court is one of the capital securities of the act of navigation. The extent of its jurisdiction, indeed, has been increased; but this is altogether as proper, and is indeed on many accounts more eligible, where new powers were wanted, than a court absolutely new. But courts incommodiously situated, in effect, deny justice; and a court, partaking in the fruits of its own condemnation, is a robber. The congress complain, and complain justly, of this grievance.[3]

These are the three consequential propositions. I have thought of two or three more; but they come rather too near detail, and to the province of executive government; which I wish parliament always to superintend, never to assume. If the first six are granted, congruity will carry the latter three. If not, the things that remain unrepealed will be, I hope, rather unseemly incumbrances on the building, than very materially detrimental to its strength and stability.

Here, Sir, I should close; but I plainly perceive some objections remain, which I ought, if possible, to remove. The first will be, that, in resorting to the doctrine of our ancestors, as contained in the preamble to the Chester act, I prove too much; that the grievance from a want of representation, stated in that preamble, goes to the whole of legislation as well as to taxation. And that the colonies, grounding themselves upon that doctrine, will apply it to all parts of legislative authority.

To this objection, with all possible deference and humility, and wishing as little as any man living to impair the smallest particle of our supreme authority, I answer, that *the words are the words of parliament, and not mine;* and, that all false and inconclusive inferences, drawn from them, are not mine; for I heartily disclaim any such inference. I have chosen the words of an act of parliament, which Mr. Grenville, surely a tolerably zealous and very judicious advocate for the sovereignty of parliament, formerly moved to

have read at your table in confirmation of his tenets. It is true, that Lord Chatham[1] considered these preambles as declaring strongly in favor of his opinions. He was a no less powerful advocate for the privileges of the Americans. Ought I not from hence to presume, that these preambles are as favorable as possible to both, when properly understood; favorable both to the rights of parliament, and to the privilege of the dependencies of this crown? But, Sir, the object of grievance in my resolution I have not taken from the Chester, but from the Durham act, which confines the hardship of want of representation to the case of subsidies; and which therefore falls in exactly with the case of the colonies. But whether the unrepresented counties were *de jure*, or *de facto*, bound, the preambles do not accurately distinguish; nor indeed was it necessary; for, whether *de jure*, or *de facto*, the legislature thought the exercise of the power of taxing as of right, or as of fact without right, equally a grievance, and equally oppressive.

I do not know that the colonies have, in any general way, or in any cool hour, gone much beyond the demand of immunity in relation to taxes. It is not fair to judge of the temper or dispositions of any man, or any set of men, when they are composed and at rest from their conduct, or their expressions, in a state of disturbance and irritation. It is besides a very great mistake to imagine that mankind follow up practically any speculative principle, either of government or of freedom, as far as it will go in argument and

logical illation.[1] We Englishmen stop very short of the principles upon which we support any given part of our constitution; or even the whole of it together. I could easily, if I had not already tired you, give you very striking and convincing instances of it. This is nothing but what is natural and proper. All government, indeed every human benefit and enjoyment, every virtue, and every prudent act, is founded on compromise and barter. We balance inconveniences; we give and take; we remit some rights that we may enjoy others; and we choose rather to be happy citizens than subtle disputants. As we must give away some natural liberty, to enjoy civil advantages; so we must sacrifice some civil liberties, for the advantages to be derived from the communion and fellowship of a great empire. But, in all fair dealings, the thing bought must bear some proportion to the purchase paid. None will barter away the immediate jewel of his soul. Though a great house is apt to make slaves haughty, yet it is purchasing a part of the artificial importance of a great empire too dear, to pay for it all essential rights, and all the intrinsic dignity of human nature. None of us who would not risk his life rather than fall under a government purely arbitrary. But although there are some amongst us who think our constitution wants many improvements, to make it a complete system of liberty; perhaps none who are of that opinion would think it right to aim at such improvement by disturbing his country, and risking everything

that is dear to him. In every arduous enterprise, we consider what we are to lose as well as what we are to gain; and the more and better stake of liberty every people possess, the less they will hazard in a vain attempt to make it more. These are *the cords of man.* Man acts from adequate motives relative to his interest; and not on metaphysical speculations. Aristotle, the great master of reasoning, cautions us, and with great weight and propriety, against this species of delusive geometrical accuracy in moral arguments, as the most fallacious of all sophistry.

The Americans will have no interest contrary to the grandeur and glory of England, when they are not oppressed by the weight of it; and they will rather be inclined to respect the acts of a superintending legislature, when they see them the acts of that power, which is itself the security, not the rival, of their secondary importance. In this assurance, my mind most perfectly acquiesces: and I confess, I feel not the least alarm from the discontents which are to arise from putting people at their ease; nor do I apprehend the destruction of this empire, from giving, by any act of free grace and indulgence, to two millions of my fellow-citizens some share of those rights, upon which I have always been taught to value myself.

It is said, indeed, that this power of granting, vested in American assemblies, would dissolve the unity of the empire; which was preserved entire, although Wales, and Chester, and Durham were added to it. Truly, Mr. Speaker, I do not know what this unity

means; nor has it ever been heard of, that I know, in the constitutional policy of this country. The very idea of subordination of parts excludes this notion of simple and undivided unity. England is the head; but she is not the head and the members too. Ireland has ever had from the beginning a separate, but not an independent, legislature;[1] which, far from distracting, promoted the union of the whole. Everything was sweetly and harmoniously disposed through both islands for the conservation of English dominion, and the communication of English liberties. I do not see that the same principles might not be carried into twenty islands, and with the same good effect. This is my model with regard to America, as far as the internal circumstances of the two countries are the same. I know no other unity of this empire, than I can draw from its example during these periods, when it seemed to my poor understanding more united than it is now, or than it is likely to be by the present methods.

But since I speak of these methods, I recollect, Mr. Speaker, almost too late, that I promised, before I finished, to say something of the proposition of the noble lord on the floor, which has been so lately received, and stands on your journals. I must be deeply concerned, whenever it is my misfortune to continue a difference with the majority of this House. But as the reasons for that difference are my apology for thus troubling you, suffer me to state them in a very few words. I shall compress them into as small

a body as I possibly can, having already debated that matter at large, when the question was before the committee.

First, then, I cannot admit that proposition of a ransom by auction;—because it is a mere project. It is a thing new; unheard of; supported by no experience; justified by no analogy; without example of our ancestors, or root in the constitution. It is neither regular parliamentary taxation, nor colony grant. *Experimentum in corpore vili*,[1] is a good rule, which will ever make me adverse to any trial of experiments on what is certainly the most valuable of all subjects, the peace of this empire.

Secondly, it is an experiment which must be fatal in the end to our constitution. For what is it but a scheme for taxing the colonies in the antechamber of the noble lord and his successors? To settle the quotas and proportions in this House, is clearly impossible. You, Sir, may flatter yourself you shall sit a state auctioneer, with your hammer in your hand, and knock down to each colony as it bids. But to settle (on the plan laid down by the noble lord) the true proportional payment for four or five and twenty governments, according to the absolute and the relative wealth of each, and according to the British proportion of wealth and burthen, is a wild and chimerical notion. This new taxation must therefore come in by the back door of the constitution. Each quota must be brought to this House ready formed; you can neither add nor alter. You must register it.

You can do nothing further. For on what grounds can you deliberate either before or after the proposition? You cannot hear the counsel for all these provinces, quarreling each on its own quantity of payment, and its proportion to others. If you should attempt it, the committee of provincial ways and means, or by whatever other name it will delight to be called, must swallow up all the time of parliament.

Thirdly, it does not give satisfaction to the complaint of the colonies. They complain, that they are taxed without their consent; you answer, that you will fix the sum at which they shall be taxed. That is, you give them the very grievance for the remedy. You tell them, indeed, that you will leave the mode to themselves. I really beg pardon: it gives me pain to mention it; but you must be sensible that you will not perform this part of the compact. For, suppose the colonies were to lay the duties, which furnished their contingent, upon the importation of your manufactures; you know you would never suffer such a tax to be laid. You know, too, that you would not suffer many other modes of taxation. So that, when you come to explain yourself, it will be found, that you will neither leave to themselves the quantum[1] nor the mode; nor indeed anything. The whole is delusion from one end to the other.

Fourthly, this method of ransom by auction, unless it be *universally* accepted, will plunge you into great and inextricable difficulties. In what year of our Lord are the proportions of payments to be settled?

To say nothing of the impossibility that colony agents should have general powers of taxing the colonies at their discretion; consider, I implore you, that the communication by special messages, and orders between these agents and their constituents on each variation of the case, when the parties come to contend together, and to dispute on their relative proportions, will be a matter of delay, perplexity, and confusion that never can have an end.

If all the colonies do not appear at the outcry, what is the condition of those assemblies, who offer by themselves or their agents, to tax themselves up to your ideas of their proportion? The refractory colonies, who refuse all composition, will remain taxed only to your old impositions, which, however grievous in principle, are trifling as to production. The obedient colonies in this scheme are heavily taxed; the refractory remain unburthened. What will you do? Will you lay new and heavier taxes by parliament on the disobedient? Pray consider in what way you can do it. You are perfectly convinced, that, in the way of taxing, you can do nothing but at the ports. Now suppose it is Virginia that refuses to appear at your auction, while Maryland and North Carolina bid handsomely for their ransom, and are taxed to your quota, how will you put these colonies on a par? Will you tax the tobacco of Virginia? If you do, you give its death-wound[1] to your English revenue at home, and to one of the very greatest articles of your own foreign trade. If you tax the import of that rebellious

colony, what do you tax but your own manufactures, or the goods of some other obedient and already well-taxed colony? Who has said one word on this labyrinth of detail, which bewilders you more and more as you enter into it? Who has presented, who can present you with a clew, to lead you out of it? I think, Sir, it is impossible that you should not recollect that the colony bounds are so implicated in one another, (you know it by your other experiments in the bill for prohibiting the New England fishery,) that you can lay no possible restraints on almost any of them which may not be presently eluded, if you do not confound the innocent with the guilty, and burthen those whom, upon every principle, you ought to exonerate. He must be grossly ignorant of America, who thinks that, without falling into this confusion of all rules of equity and policy, you can restrain any single colony, especially Virginia and Maryland, the central and most important of them all.

Let it also be considered, that, either in the present confusion you settle a permanent contingent, which will and must be trifling; and then you have no effectual revenue: or you change the quota at every exigency; and then on every new repartition you will have a new quarrel.

Reflect besides, that when you have fixed a quota for every colony, you have not provided for prompt and punctual payment. Suppose one, two, five, ten years' arrears. You cannot issue a treasury extent[1] against the failing colony. You must make new

Boston Port Bills, new restraining laws, new acts for dragging men to England for trial. You must send out new fleets, new armies. All is to begin again. From this day forward the empire is never to know an hour's tranquillity. An intestine fire will be kept alive in the bowels of the colonies, which one time or other must consume this whole empire. I allow indeed that the empire of Germany[1] raises her revenue and her troops by quotas and contingents; but the revenue of the empire, and the army of the empire, is the worst revenue and the worst army in the world.

Instead of a standing revenue, you will therefore have a perpetual quarrel. Indeed, the noble lord who proposed this project of a ransom by auction, seemed himself to be of that opinion. His project was rather designed for breaking the union of the colonies, than for establishing a revenue. He confessed, he apprehended that his proposal would not be to *their taste*. I say, this scheme of disunion seems to be at the bottom of the project; for I will not suspect that the noble lord meant nothing but merely to delude the nation by an airy phantom which he never intended to realize. But whatever his views may be; as I propose the peace and union of the colonies as the very foundation of my plan, it cannot accord with one whose foundation is perpetual discord.

Compare the two. This I offer to give you is plain and simple. The other full of perplexed and intricate mazes. This is mild; that harsh. This is found by

experience effectual for its purposes; the other is a new project. This is universal; the other calculated for certain colonies only. This is immediate in its conciliatory operation; the other remote, contingent, full of hazard. Mine is what becomes the dignity of a ruling people; gratuitous, unconditional, and not held out as matter of bargain and sale. I have done my duty in proposing it to you. I have indeed tired you by a long discourse; but this is the misfortune of those to whose influence nothing will be conceded, and who must win every inch of their ground by argument. You have heard me with goodness. May you decide with wisdom! For my part, I feel my mind greatly disburthened by what I have done to-day. I have been the less fearful of trying your patience, because on this subject I mean to spare it altogether in future. I have this comfort, that in every stage of the American affairs, I have steadily opposed the measures that have produced the confusion, and may bring on the destruction, of this empire. I now go so far as to risk a proposal of my own. If I cannot give peace to my country, I give it to my conscience.

But what (says the financier) is peace to us without money? Your plan gives us no revenue. No! But it does—For it secures to the subject the power of *refusal;* the first of all revenues. Experience is a cheat, and fact a liar, if this power in the subject of proportioning his grant, or of not granting at all, has not been found the richest mine of revenue ever discov-

ered by the skill or by the fortune of man. It does not indeed vote you £152,750 : 11 : 2¾ths, nor any other paltry limited sum.—But it gives the strong box itself, the fund, the bank, from whence only revenues can arise amongst a people sensible of freedom: *Posita luditur arca.*[1] Cannot you in England; cannot you at this time of day; cannot you, a House of Commons, trust to the principle which has raised so mighty a revenue, and accumulated a debt of near 140 millions in this country? Is this principle to be true in England, and false everywhere else? Is it not true in Ireland? Has it not hitherto been true in the colonies? Why should you presume, that, in any country, a body duly constituted for any function, will neglect to perform its duty, and abdicate its trust? Such a presumption would go against all governments in all modes. But, in truth, this dread of penury of supply, from a free assembly, has no foundation in nature. For first observe, that, besides the desire which all men have naturally of supporting the honor of their own government, that sense of dignity, and that security to property, which ever attends freedom, has a tendency to increase the stock of the free community. Most may be taken where most is accumulated. And what is the soil or climate where experience has not uniformly proved, that the voluntary flow of heaped-up plenty, bursting from the weight of its own rich luxuriance, has ever run with a more copious stream of revenue, than could be squeezed from the dry husks of oppressed indigence,

by the straining of all the politic machinery in the world.

Next we know, that parties must ever exist in a free country. We know too, that the emulations of such parties, their contradictions, their reciprocal necessities, their hopes, and their fears, must send them all in their turns to him that holds the balance of the state. The parties are the gamesters; but government keeps the table, and is sure to be the winner in the end. When this game is played, I really think it is more to be feared that the people will be exhausted, than that government will not be supplied. Whereas, whatever is got by acts of absolute power ill obeyed, because odious, or by contracts ill kept, because constrained, will be narrow, feeble, uncertain, and precarious.

Ease would retract[1]
Vows made in pain, as violent and void.

I, for one, protest against compounding our demands: I declare against compounding for a poor limited sum, the immense, overgrowing, eternal debt, which is due to generous government from protected freedom. And so may I speed in the great object I propose to you, as I think it would not only be an act of injustice, but would be the worst economy in the world, to compel the colonies to a sum certain, either in the way of ransom, or in the way of compulsory compact.

But to clear up my ideas on this subject—a revenue from America transmitted hither—do not

delude yourselves—you never can receive it—No, not a shilling. We have experience that from remote countries it is not to be expected. If, when you attempted to extract revenue from Bengal, you were obliged to return in loan what you had taken in imposition; what can you expect from North America? For certainly, if ever there was a country qualified to produce wealth, it is India; or an institution fit for the transmission, it is the East India Company. America has none of these aptitudes. If America gives you taxable objects, on which you lay your duties here, and gives you, at the same time, a surplus by a foreign sale of her commodities to pay the duties on these objects, which you tax at home, she has performed her part to the British revenue. But with regard to her own internal establishments; she may, I doubt not she will, contribute in moderation. I say in moderation; for she ought not to be permitted to exhaust herself. She ought to be reserved to a war; the weight of which, with the enemies that we are most likely to have, must be considerable in her quarter of the globe. There she may serve you, and serve you essentially.

For that service, for all service, whether of revenue, trade, or empire, my trust is in her interest in the British constitution. My hold of the colonies is in the close affection which grows from common names, from kindred blood, from similar privileges, and equal protection. These are ties, which, though light as air, are as strong as links of iron. Let the colonies

always keep the idea of their civil rights associated with your government;—they will cling and grapple to you; and no force under heaven will be of power to tear them from their allegiance. But let it be once understood, that your government may be one thing, and their privileges another; that these two things may exist without any mutual relation; the cement is gone; the cohesion is loosened; and everything hastens to decay and dissolution. As long as you have the wisdom to keep the sovereign authority of this country as the sanctuary of liberty, the sacred temple consecrated to our common faith, wherever the chosen race and sons of England worship freedom, they will turn their faces towards you. The more they multiply, the more friends you will have; the more ardently they love liberty, the more perfect will be their obedience. Slavery they can have anywhere. It is a weed that grows in every soil. They may have it from Spain, they may have it from Prussia. But, until you become lost to all feeling of your true interest and your natural dignity, freedom they can have from none but you. This is the commodity of price, of which you have the monopoly. This is the true act of navigation, which binds to you the commerce of the colonies, and through them secures to you the wealth of the world. Deny them this participation of freedom, and you break that sole bond, which originally made, and must still preserve, the unity of the empire. Do not entertain so weak an imagination, as that your registers and

your bonds, your affidavits and your sufferances, your cockets[1] and your clearances,[2] are what form the great securities of your commerce. Do not dream that your letters of office, and your instructions, and your suspending clauses, are the things that hold together the great contexture of the mysterious whole. These things do not make your government. Dead instruments, passive tools as they are, it is the spirit of the English communion that gives all their life and efficacy to them. It is the spirit of the English constitution, which, infused through the mighty mass, pervades, feeds, unites, invigorates, vivifies every part of the empire, even down to the minutest member.

Is it not the same virtue which does everything for us here in England? Do you imagine, then, that it is the land tax act which raises your revenue? that it is the annual vote in the committee of supply which gives you your army? or that it is the mutiny bill which inspires it with bravery and discipline? No! surely no! It is the love of the people; it is their attachment to their government, from the sense of the deep stake they have in such a glorious institution, which gives you your army and your navy, and infuses into both that liberal obedience, without which your army would be a base rabble, and your navy nothing but rotten timber.

All this, I know well enough, will sound wild and chimerical to the profane herd of those vulgar and mechanical politicians, who have no place among us;

a sort of people who think that nothing exists but what is gross and material; and who, therefore, far from being qualified to be directors of the great movement of empire, are not fit to turn a wheel in the machine. But to men truly initiated and rightly taught, these ruling and master principles, which, in the opinion of such men as I have mentioned, have no substantial existence, are in truth everything, and all in all. Magnanimity in politics is not seldom the truest wisdom; and a great empire and little minds go ill together. If we are conscious of our situation, and glow with zeal to fill our place as becomes our station and ourselves, we ought to auspicate[1] all our public proceedings on America with the old warning of the church, *Sursum corda!*[2] We ought to elevate our minds to the greatness of that trust to which the order of Providence has called us. By adverting to the dignity of this high calling, our ancestors have turned a savage wilderness into a glorious empire; and have made the most extensive, and the only honorable conquests, not by destroying, but by promoting the wealth, the number, the happiness of the human race. Let us get an American revenue as we have got an American empire. English privileges have made it all that it is; English privileges alone will make it all it can be.

In full confidence of this unalterable truth, I now (*quod felix faustumque sit*[3]) lay the first stone of the temple of peace; and I move you,

That the colonies and plantations of Great Britain in North America, consisting of fourteen separate governments, and containing two millions and upwards of free inhabitants, have not had the liberty and privilege of electing and sending any knights and burgesses, or others, to represent them in the high court of parliament.

Upon this resolution, the previous question was put, and carried;—for the previous question 270, against it 78.

As the propositions were opened separately in the body of the speech, the reader perhaps may wish to see the whole of them together, in the form in which they were moved for. The first four motions and the last had the previous question put on them. The others were negatived. The words in italics were, by amendment, left out of the motions.

Moved,

That the colonies and plantations of Great Britain in North America, consisting of fourteen separate governments, and containing two millions and upwards of free inhabitants, have not had the liberty and privilege of electing and sending any knights and burgesses, or others, to represent them in the high court of parliament.

That the said colonies and plantations have been made liable to, and bounden by, several subsidies, payments, rates, and taxes, given and granted by parliament; though the said colonies and plantations

have not their knights and burgesses, in the said high court of parliament, of their own election, to represent the condition of their country; *by lack whereof, they have been oftentimes touched and grieved by subsidies given, granted, and assented to, in the said court, in a manner prejudicial to the commonwealth, quietness, rest, and peace, of the subjects inhabiting within the same.*

That, from the distance of the said colonies, and from other circumstances, no method hath hitherto been devised for procuring a representation in parliament for the said colonies.

That each of the said colonies hath within itself a body, chosen, in part or in the whole, by the freemen, freeholders, or other free inhabitants thereof, commonly called the general assembly, or general court; with powers legally to raise, levy, and assess, according to the several usage of such colonies, duties and taxes towards defraying all sorts of public services.

That the said general assemblies, general courts, or other bodies, legally qualified as aforesaid, have at sundry times freely granted several large subsidies and public aids for his Majesty's service, according to their abilities, when required thereto by letter from one of his Majesty's principal secretaries of state; and that their right to grant the same, and their cheerfulness and sufficiency in the said grants, have been at sundry times acknowledged by parliament.

That it hath been found by experience, that the

manner of granting the said supplies and aids, by the said general assemblies, hath been more agreeable to the inhabitants of the said colonies, and more beneficial and conducive to the public service, than the mode of giving and granting aids and subsidies in parliament to be raised and paid in the said colonies.

That it may be proper to repeal an act, made in the seventh year of the reign of his present Majesty, entitled, An act for granting certain duties in the British colonies and plantations in America; for allowing a drawback of the duties of customs, upon the exportation from this kingdom, of coffee and cocoanuts, of the produce of the said colonies or plantations; for discontinuing the drawbacks payable on China earthenware exported to America; and for more effectually preventing the clandestine running of goods in the said colonies and plantations.

That it may be proper to repeal an act, made in the fourteenth year of the reign of his present Majesty, entitled, An act to discontinue, in such manner, and for such time, as are therein mentioned, the landing and discharging, lading or shipping of goods, wares, and merchandise, at the town, and within the harbor, of Boston, in the province of Massachusetts Bay, in North America.

That it may be proper to repeal an act, made in the fourteenth year of the reign of his present Majesty, entitled, An act for the impartial administration of justice, in cases of persons questioned for any acts

done by them in the execution of the law, or for the suppression of riots and tumults, in the province of Massachusetts Bay, in New England.

That it is proper to repeal an act, made in the fourteenth year of the reign of his present Majesty, entitled, An act for the better regulating the government of the province of Massachusetts Bay, in New England.

That it is proper to explain and amend an act made in the thirty-fifth year of the reign of King Henry VIII, entitled, An act for the trial of treasons committed out of the king's dominions.

That, from the time when the general assembly, or general court, of any colony or plantation, in North America, shall have appointed, by act of assembly duly confirmed, a settled salary to the offices of the chief justices and judges of the superior courts, it may be proper that the said chief justice and other judges of the superior courts of such colony shall hold his and their office and offices during their good behavior; and shall not be removed therefrom, but when the said removal shall be adjudged by his Majesty in council, upon a hearing on complaint from the general assembly, or on a complaint from the governor, or council, or of the house of representatives, severally, of the colony in which the said chief justice and other judges have exercised the said office.

That it may be proper to regulate the courts of admiralty, or vice-admiralty, authorized by the fifteenth chapter of the fourth of George III, in such

a manner, as to make the same more commodious to those who sue, or are sued, in the said courts; *and to provide for the more decent maintenance of the judges of the same.*

NOTES

19, 1. Sir. Addressed to the Speaker of the House.

2. **Austerity.** The gravity and seriousness which should characterize the conduct of legislative business.

3. **The grand penal bill.** A measure of Lord North's which sought to restrain the trade and commerce of the provinces of Massachusetts Bay and New Hampshire, the colonies of Connecticut and Rhode Island, and the Providence Plantations, to Great Britain, Ireland, and the British Islands in the West Indies, and to prohibit those provinces and colonies from carrying on any fishery on the banks of Newfoundland and other places named except under certain harassing restrictions. This bill was returned from the House of Lords with an amendment which extended its provisions to all the American colonies.

20, 1. Incongruous mixture, etc. The reference is to the bill, which was incongruous with any attempt at conciliation. A combination of coercion and restraint could hardly be called an incongruous mixture.

2. **Awful.** What is the exact sense in which this word is used? *Cf.* "The smoothness of flattery cannot save us in this rugged and awful crisis."—Lord Chatham, *Speech on the American War.*

3. **To ballast my conduct.** Observe the figurative language. What meaning did Burke intend to convey by this peculiar metaphor?

4. **Fashionable.** In the sense of *popular.*

21, 1. Religious. Scrupulously faithful.

2. **Equity.** An unusual use of the word, probably meaning "unassailable right."

3. **Remedy to the public complaint.** The various laws by which Parliament had sought to restrict trade and manufactures, and to collect various taxes.

4. **Present situation.** This was spoken only a month before the battle of Lexington, and at a time when the colonies were preparing for armed rebellion against the mother country.

5. **A worthy member.** Mr. Rose Fuller, whose proposition to repeal the tax on tea, during the previous session, had furnished the occasion for Burke's great speech on American Taxation.

24, 1. **Juridical.** That which relates to or is concerned with administrative law.

2. **Complex government.** Any government is complex in which the ruling power is apportioned among a number of persons and representative bodies.

3. **Refined.** Implying the use of excessive nicety.

25, 1. **Project.** Lord North had proposed a weak measure, as a resolution of the House of Commons, to the intent that, if any of the American provinces should make some provision for its own defense and government, which should be approved by the king and Parliament, then it would be proper to forbear imposing any tax upon such a colony.

2. **The noble lord.** Lord North (1732–1792), Prime minister from March, 1770, to March, 1782; he held this office in entire subservience to the will of George III. It was to his unwise and oppressive policy that the separation of the colonies from the mother country was largely due.

3. **The blue riband.** The badge of the famous Order of the Garter. *Riband* is now obsolete, or at least archaic.

4. **Colony agents.** It had been for some time customary for the separate colonies to employ some member of Parliament to look after their interests. Burke himself had been employed to act as agent for New York at a salary of £700 per annum. While this tended to give him more correct views of American affairs, it probably diminished the effect of his oratory on the House from a surmise that his arguments might not be wholly disinterested.

5. **Our address.** The king's speech at the opening of Parliament, November 29, 1774, had asserted his determination "to withstand every attempt to weaken or impair the supreme authority of this Legislature over all the dominions of my Crown."

Corresponding addresses were voted, in reply, by both Houses, with large majorities, and February 9, 1775, Parliament had presented to the king another address to the same intent.

26, 1. Has admitted, etc. In April, 1770, Parliament had repealed all duties imposed on the American colonies except that on tea.

2. **Endeavor to show you.** See page 96.

29, 1. A distinguished person. Richard Glover (1712–1785). He was the author of several long and dreary poems, now forgotten. Burke's eulogium seems to have been largely unmerited, and was probably introduced for rhetorical effect.

30, 1. Davenant. Charles Davenant was appointed Inspector-General of exports and imports in 1705. Macaulay, in his *History of England*, calls him an acute and well-informed, though most unprincipled and rancorous, politician.

2. **The African** export trade consisted mainly of slaves.

32, 1. My Lord Bathurst. Allen, first Earl Bathurst (1684–1775), was a distinguished statesman of whom Knight, in his *History of England*, says: "Allen, Earl Bathurst, lived long enough to see the prospect clouded over, but not to behold that sunset which was predicted to follow the separation of Great Britain from her colonies."

33, 1. Acta parentum, etc. To read the deeds of his ancestors and to know in what true manhood consists.

2. **Great Britain.** The union between Scotland and England was made in 1707, during the reign of Anne. George III was the grandson of George II.

3. **See his son, Lord Chancellor,** etc. His son Henry was made Lord Chancellor in 1771 with the title of Baron Apsley and he himself was made Earl in 1772.

4. **Genius.** The ruling spirit of a person, place, or thing; referring here to the angel previously mentioned.

34, 1. Deceive. Used in its original sense of "to take away."

36, 1. Frozen serpent of the south. An ancient constellation in the southern skies.

2. **Falkland Island.** Located in the south Atlantic. It was

discovered in 1592, was settled by the French in 1763, and was seized by the English in 1765 and later by the Spaniards. Since 1833 it has been in the possession of England.

40, 1. **Sensible.** Capable of being perceived by the senses.

2. **Ancient commonwealths.** Rome and the several states of Greece.

3. **Greatest spirits.** Such men as Pym, Hampden, and Cromwell.

41, 1. **In a high degree.** In all the colonies, except New York, legislatures were organized soon after the settlement, and previous to 1760 the several colonies had substantially governed themselves.

42, 1. **The Church of England.** Established in 1534, with the king, Henry VIII, as its supreme head.

2. **Dissenting interests.** All people, in England, who differed in their belief from the doctrines of the Established Church were called Dissenters.

43, 1. **The establishments.** State churches. English and German Protestants and French Huguenots made up the larger part of the population of the colonies.

45, 1. **Successful chicane.** This incident is related in Hosmer's *Life of Samuel Adams*, page 322, as follows: "Since the change in the charter in the preceding year no town-meeting could be legally held save such as the governor expressly called. The well-trained 'Bostoneers,' however, had a ruse ready, over which the dazed Gage stroked his chin, without being able to make up his mind to interfere. The clause of the Government Act was clear as to the prohibition of town-meetings. The preceding August, Gage, disposed as usual to be good-natured, had summoned the selectmen to the Province House. 'If a meeting were wanted he would allow one to be called, if he should judge it expedient.' The fathers of the town told him that they had no occasion for calling one; that they had one alive. Gage looked serious: 'I must think of that; by thus doing you can keep the meeting alive for ten years.' Foreseeing the storm, the May meeting of 1774 had not 'dissolved,' but 'adjourned.' So, too, had the Port Bill meeting of June 17. During the remainder of

the year, therefore, and into the year following, as one turns over the pages of the town records, the adjourned May meeting, or the adjourned Port Bill meeting, are reported, which serve perfectly every purpose, the town comfortably riding out the storm by the parliamentary technicality."

2. **Friend.** Edward Thurlow, the Attorney-General.

3. **Abeunt studia in mores.** Studies crystallize themselves into habits.

46, 1. **Winged ministers of vengeance.** Ships. Allusion is probably made to the eagle, which was recognized in Roman mythology as the messenger of Jove.

2. **Pounces.** The talons of a bird of prey, derived from the Latin *punctus*, which has the meaning of *to prick*.

3. **Brusa and Smyrna.** Cities in Asiatic Turkey.

48, 1. **Pleasure of the crown.** The title of the king of England to the possession of America was based upon the discoveries made by John Cabot, and according to English legal theories the king was lord of the soil as territory conquered from the Indians. All of the colonists were, therefore, subjects of the English Crown, and any privileges which they should possess must be granted by the king.

2. **Operose.** Laborious, tedious.

49, 1. **Lord Dunmore.** The royal governor of Virginia, who was driven out by the great popular uprising of 1776. His testimony in this matter would be considered especially valuable because of his well-known hostility to the colonists.

2. **Anarchy.** Used here to mean "without government and constituted authority," not in the modern sense of "political and social confusion and disorder."

52, 1. **An immense plain.** The prairie regions between the Appalachian Mountains and the Mississippi River.

2. **English Tartars.** The reference is to the Mongol Tartars who, under Genghis Khan and Timour, overran Asia and a part of Europe with vast hordes of fierce and savage men. It is said that from 1211 to 1223 no less than eighteen millions of people perished at their hands in China alone.

54, 1. **Spoliatis,** etc. A resort to arms is still left for those who have been despoiled.

56, 1. **Angola.** A kingdom in lower Guinea belonging to Portugal.

2. **Guinea captain.** The captain of a slave-ship.

57, 1. **Alterative.** In its primary signification of "causing alteration."

2. **Sir Edward Coke.** Attorney-General at the time of the trial of Sir Walter Raleigh on the charge of treason; his unfairness and brutality toward the prisoner were notorious. In the course of his speech he said: "I will prove you to be the most notorious traitor that ever came to the bar. Thou art a monster. Thou hast an English face, but a Spanish heart." This is a fair specimen of the bitter vilification in which his speech abounded.

58, 1. **Ex vi termini.** From the force of the word!

60, 1. **Addressed.** Petitioned.

61, 1. **Nothing less.** That is, it has in no degree abated.

62, 1. **Great Serbonian bog,** etc. *Cf. Paradise Lost,* II, 592–594. In ancient geography the Serbonian bog was situated between the Isthmus of Suez, the Mediterranean, and the Nile delta.

64, 1. **Constitution.** For a brief but comprehensive description of the English Constitution see the *Century Dictionary.*

2. **Repeal of a revenue act.** The Stamp Act was repealed in 1766.

3. **American financiers.** Men who think that America can be made to yield a revenue to the mother country.

4. **Further views.** That is, have further measures in view.

5. **Trade laws.** Chiefly the Navigation Acts, which sought to confine the trade of the colonies to England.

65, 1. **Gentleman.** Presumably a Mr. Rice, who seems to be unknown to history.

2. **The noble lord.** Lord North.

66, 1. **Pamphlet.** Reference is probably made to a pamphlet written by Josiah Tucker, Dean of Gloucester, in which he advocated casting off the American colonies.

68, 1. Philip the Second. King of Spain from 1556 to 1598, who was married to Mary, Queen of England.

69, 1. Ireland. For an account of the English conquest of Ireland, see Green's *Short History of the English People*, VII, Sec. 8.

2. **Magna Charta.** Granted by King John in 1215. See Green's *History*, III, Sec. 3.

3. **All Ireland.** The English settlers were forced in the latter part of the twelfth century to confine themselves to a certain limited district called the "English Pale," where they were held for several centuries.

4. **Sir John Davis,** or Davies (1569–1626). A poet and statesman of considerable repute. Burke here refers to his work entitled the *Discovery of the True Cause why Ireland was never subdued, entirely, until the Reign of King James I*, a work which has always been considered of great value to political inquirers.

70, 1. You changed the people. By depopulating portions of the country and settling them with English.

2. **You altered the religion.** By the introduction of the Protestant in place of the Catholic.

3. **You deposed kings.** Referring to the deposition of Charles I and the restoration of his son, Charles II.

4. **Usurpation.** The Commonwealth under Cromwell.

5. **Glorious Revolution,** of 1688, by which James II was deposed and William III called to the throne.

6. **Strength and ornament.** Even at the present day this statement would be considered an exaggeration.

71, 1. Wales. For an account of the conquest of Wales, see Green's *History*, IV, Sec. 1.

2. **Lords marchers.** Certain noblemen to whom estates were given on the English frontiers on condition that they should defend the country against aggression. The word *march*, in this connection, means a frontier, and was applied to the border regions of England and Wales.

73, 1. Simul alba nautis, etc. As soon as the bright star has shone upon the sailors the troubled water flows back from

the rocks, the winds subside, the clouds disappear, and (because they had so willed it) the angry wave falls back into the deep.—Horace, *Odes I, xii*, 27–32.

74, 1. **County palatine.** A county whose ruler was endowed with almost kingly authority.

2. **Disherisons.** The act of disinheriting or cutting off from an inheritance.

3. **Ne.** Nor.

76, 1. **Judge Barrington** (1727–1800). A learned antiquary and naturalist.

77, 1. **Opposuit natura.** Nature has erected a barrier.

2. **Republic of Plato.** A book in which the great Greek philosopher gave a complete and systematic exposition of his conception of an ideal commonwealth.

3. **Utopia of More.** A political romance by Sir Thomas More, published in Latin in 1516. Utopia was an imaginary island which was represented as enjoying the utmost perfection in law, politics, and society.

4. **Oceana of Harrington.** A philosophical treatise on the theory of civil government, by James Harrington, published in 1656.

5. **And the rude swain,** etc. Milton's *Comus*, 634–35. The original reads *dull swain.*

78, 1. **1763.** The first year of the Grenville ministry, which passed the Stamp Act.

2. **Grant.** By voluntary contribution on the part of the colonies.

3. **Imposition.** By parliamentary enactment.

4. **Temple of British concord.** An allusion to the Temple of Concord in ancient Rome.

79, 1. **Fourteen.** Including the Province of Quebec.

2. **Burgesses.** In general *freemen* or *citizens.*

80, 1. **Non meus,** etc. This is not my language; but that which Ofellus taught, a countryman truly, but extremely wise.—Horace, *Satires II, ii*, 283.

84, 1. **So high.** So far back.

86, 1. **Mr. Grenville.** Prime minister, 1763–1765.

2. **Requisitions.** Requests for money, preferred by Parliament, and subject to the will of the colonial assemblies for compliance. These requisitions were generally made to assist in defraying the expenses of wars carried on in America.

89, 1. **King's pleasure.** The port of Boston was declared closed to all commerce until the king should be pleased to remove such restrictions.

2. **Restraining bill.** The grand penal bill mentioned in the beginning of the speech.

3. **Latter.** In Massachusetts the king had the power of veto, but not in Rhode Island and Connecticut.

90, 1. **Returning officer.** The officer whose duty it is to make returns of writs, precepts, juries, etc.

91, 1. **Courts of admiralty.** Courts having jurisdiction over maritime affairs, civil and criminal. In England this court is a distinct and separate tribunal, but in the United States admiralty jurisdiction is vested in United States district courts.

2. **Maintenance.** The judges in these courts were paid out of the proceeds of the fines which they themselves imposed.

3. **Grievance.** The Solicitor-General informed Mr. Burke, when the resolutions were separately moved, that the grievance of the judges partaking of the profits of the seizure had been redressed by the office; accordingly the resolution was amended.

93, 1. **Lord Chatham.** William Pitt, one of the most noted and influential of English statesmen. He was Prime minister, with the exception of a few months, from 1755 to 1761, and again from 1766 to 1768. He was strongly opposed to the harsh and arbitrary policy of the government towards the colonies, and warmly urged an amicable adjustment of the matters in dispute.

94, 1. **Illation.** Inference.

96, 1. **Separate . . . legislature.** The Irish parliament was not abolished until 1800.

97, 1. **Experimentum,** etc. The experiment should be made upon a worthless body.

98, 1. **Quantum.** Amount.

99, 1. **Death-wound.** England already taxed imported tobacco, and another tax would be more than Virginia tobacco could endure.

100, 1. **Treasury extent.** A peculiar remedy to recover debts due to the Crown, under which the body, lands, and goods of a debtor may be all taken at once to compel the payment of debt.

101, 1. **Empire of Germany.** The Holy Roman Empire, not the present empire, which did not exist at that time.

103, 1. **Posita,** etc. "The strong-box is put up as a stake." —Juvenal, *Satires I*, 90.

104, 1. **Ease would retract,** etc. *Paradise Lost, IV*, 96, 97.

107, 1. **Cockets.** Custom-house seals.

2. **Clearances.** Certificates that vessels have complied with the law, and are allowed to sail.

108, 1. **Auspicate.** To inaugurate with ceremonies calculated to insure a favorable outcome.

2. **Sursum corda.** Lift up your hearts.

3. **Quod felix,** etc. May it be happy and fortunate.

SYLLABUS OF THE SPEECH

Introduction.

I. The return of Lord North's bill gives an opportunity for reconsideration.

II. The subject is a serious one.

a. Burke had informed himself about it when he first took his seat.

b. He has not changed his opinion since.

c. Parliament has frequently changed its attitude.

d. Each change has been followed by an increase of disturbance.

III. A definite policy is demanded of the opposition party.

a. Burke feels unworthy to offer one.

b. Yet the situation is so grave he dare not refuse.

c. His plan will stand on its own merits.

IV. Burke's plan is to secure peace by removing the grounds for disagreement.

V. This plan derives substantial support from Lord North's project.

a. The House has voted that conciliation is admissible.

b. It has admitted that complaints of taxation are not unfounded.

c. Burke's plan differs from Lord North's only in the means suggested.

VI. Proposals for peace ought to come from England.

a. One side must concede.

b. England may offer peace with honor and safety.

VII. Two questions must be considered.

a. Should England concede?

b. If so, what should the concession be?

Transitional.

The nature of both these questions depends on the nature and circumstances of America.

Brief.

I. England should secure peace by conciliation.
  a. The conditions in America on which this judgment is based:
    1. The population is too large to trifle with.
    2. The industries are most valuable to the mother country.
      (1) Commerce is great and growing.
      (2) Agricultural products are feeding the Old World.
      (3) The fisheries are the most productive the world has ever known.
    3. The use of force against America is impracticable.
      (1) It would be temporary.
      (2) It would be uncertain.
      (3) There is no experience in its favor.
    4. The temper and character of the American people.
      (1) Descent.
      (2) Form of government.
      (3) Religion.
      (4) Slavery in the South.
      (5) Education in the North.
      (6) Distance from the center of government.
    5. Coercion has proved to be unwise.
      (1) The dissolution of the Assembly of Virginia resulted in the establishment of government by tacit consent.
      (2) Massachusetts has done well although her charter has been abrogated.
      (3) The arguments for coercion in America are applicable for coercion in England also, and therefore threaten freedom at home.

II. There are three possible methods of dealing with America.
  a. To remove the causes of the love of freedom.

1. It is hard to remove the conditions because:
   (1) It is impossible to check the growth of population.
   (2) There is plenty of unsettled land, and the people will occupy the land without grants.
2. It is impossible to alter the temper of the colonies because:
   (1) Pedigree cannot be altered.
   (2) Religion cannot be changed.
   (3) Education cannot be changed.
   (4) It is impossible to destroy the Assemblies.
   (5) The enfranchisement of the slaves is impracticable.
   (6) The ocean is an insuperable obstacle.

b. To prosecute the spirit as criminal.
1. A whole people cannot be indicted.
2. Pleading for a privilege is not rebellion.
3. England cannot be judge in her own cause.
4. Attempts at criminal punishment have not proved expedient.
   (1) Example of Massachusetts.
   (2) Penal laws have failed of their object.

c. To comply with the spirit as necessary.
1. To please a people, some concession must be made to their wishes.

III. What should the concessions be?

a. The concessions should be such as will conciliate.

Refutation.

b. The right to tax the colonies is irrelevant.
1. It is a question of policy.
2. It is best to secure tranquillity.
3. The argument that the repeal of revenue laws would also repeal trade laws is unsound.
   (1) Trade laws are useless.
   (2) Revenue laws produce no revenue.
   (3) Revenue laws do not protect trade laws.

c. The argument that concessions would lead to a demand for greater concessions is unsound.

1. Decrease of causes of dissatisfaction does not lead to further rebellion.
2. This argument is used in defiance of experience.

Direct.

d. Concession is in accordance with the genius of the English constitution.

1. It has been successfully tried in four cases:
   (1) Ireland was won by concessions.
   (2) Wales was won by concessions.
   (3) Chester was won by concessions.
   (4) Durham was won by concessions.
2. These precedents apply to America.

e. America should be allowed to make grants of money.

1. It is impossible, on account of the distance, to give the colonies the right of representation in Parliament.
2. Stopping taxation and allowing colonists to grant money will give satisfaction.
3. Six resolutions to promote peace with the colonies.
   (1) That the colonies have not had representation.
   (2) That they have been liable to a taxation often burdensome.
   (3) That the distance has been too great to admit of representation.
   (4) That each of the colonies has an Assembly competent to perform all public services.
   (5) That these Assemblies have made grants of subsidies to His Majesty's service, and that these grants have been acknowledged by Parliament.
   (6) That these colonial grants have proved more acceptable to the colonies and more serviceable to the Crown than taxes levied by Parliament to be paid in the colonies.

Conclusion.

. If these propositions are accepted, all the machinery of the contrary system must fall away.

a. Three subsidiary propositions:

1. To repeal the penal laws in the American colonies.
   (1) The Boston Port Bill is unjust.
   (2) The abrogation of the Charter of Massachusetts subverted justice.
   (3) The Act for bringing murderers to England for trial is but temporary.
   (4) The Act for trial for treason has been turned from its original intention.
2. To secure fair judicature.
   (1) General Assembly to fix salaries of chief justices and judges of superior courts.
   (2) Judges to hold position during good behavior.
   (3) To be removed only by the King in Council, and on complaint from General Assembly, or governor, or House of Representatives, or colony.
3. To regulate Courts of Admiralty so as to make them more commodious to those who sue or are sued in them.

b. Answers to objections.

efutation.

1. Grievances from want of representation will extend to other legislation.
   (1) Colonies have gone beyond the question of taxation.
   (2) Americans have no interest contrary to the glory of England, when not oppressed.
2. Power to make grants, given to America, would destroy the unity of the empire.
   (1) Ireland has a separate but not an independent government.

II. Objections to Lord North's plan:
  a. Burke's will be more satisfactory.
    1. Proposal to ransom by auction is unwise and unprecedented.
    2. The proposal to tax the colonies in the Cabinet is unconstitutional.
    3. It does not meet the complaints of the colonies.
    4. Unless universally accepted, it will plunge England into great difficulties.
      (1) The settlement of proportions of payment is almost impossible.
      (2) Obedient colonies will be taxed and refractory ones not.
    5. It will either yield a small permanent revenue or lead to new quarrels at each change of quota.
    6. It will be impossible to provide for punctual payments.
    7. It is confessed to be a scheme for breaking up the union of the colonies.
  b. Burke's plan is superior to North's.
    1. By giving the colonies their freedom we shall increase their power of producing revenue.
    2. Party strifes will prompt lavish gifts to the home government.
    3. Experience with India shows that America is too remote to be taxed.

The Peroration.

I. England will be best served by winning the loyalty and affection of the colonies.
  a. The British Empire is held together by loyalty, not by law.
    1. This is true of the revenue, the army, and the navy.
II. Magnanimity has built up and will preserve the British Empire.

Motion

That the American colonies have not had representation.

QUESTIONS AND TOPICS FOR STUDY

1. Why was Lord North's bill returned by the House of Lords to the House of Commons?
2. Explain the attitude of the majority at the time Burke took the floor in behalf of conciliation with the American colonies.
3. What reasons did Burke give to show that it was a mere matter of business policy to secure peace with the American colonies by conciliating them?
4. What were the conditions that made a long introduction to this speech necessary?
5. What were the *a priori* reasons urged by Burke to prove that the same ends could not be gained by force?
6. What were the qualities inherent in the American people that made it irrational to believe that they could be subdued by arbitrary and violent authority?
7. Explain Burke's idea that the demand of the American colonies for immunity from taxation without representation could not be punished as criminal.
8. What did Burke bring forward as the probable objections to a policy of concession?
9. Answer these objections.
10. Why were the examples of Ireland, Wales, Chester, and Durham applicable to the argument about the American colonies? Why were the examples of Chester and Durham especially applicable?
11. What was the great concession to the American colonies provided for by Burke's six resolutions? How do the three subsidiary resolutions support the original six?
12. Explain Burke's contrast of his plan with that of Lord

North. What was his final appeal for a favorable view of his plan?

13. Select the passages from this speech that show Burke's familiarity with the Bible; passages that show his intimate acquaintance with the poets.
14. Judging from this speech, what author do you think had the most formative influence on Burke's mind? Cite passages to support your opinion.
15. Do you find any traces of humor in the speech?
16. Burke has been called "the greatest master of metaphor that the world has ever seen." Do you find anything in this speech to justify this judgment?
17. How do you explain the fact that Burke failed to influence the vote of the House by this speech?

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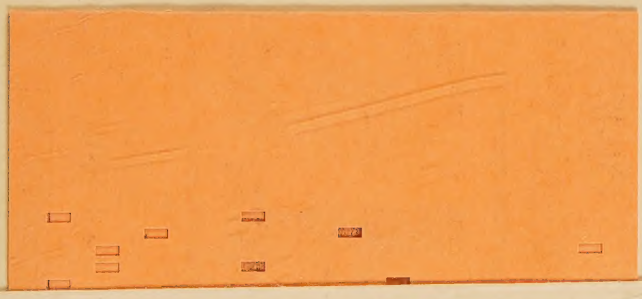

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